

CE 10-04 Elk Point Marina
Site Plan

MSA-S-1829-4550

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 13, 2011

Mr. Anthony DiGiacomo
Cecil County Government
Office of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: **Elk Point Marina**

Dear Mr. DiGiacomo:

Thank you for forwarding the revisions associated with the above referenced site plan. It appears that the applicant has addressed the remainder of our comments.

I can be contacted at 410-260-3476 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal line extending to the right.

Julie Roberts
Natural Resources Planner

Cc: CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
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Executive Director

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April 7, 2011

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina Preliminary Plat

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing an 18-lot subdivision on a 76.3-acre parcel. Currently, 27.9 acres are designated as Intensely Development Area (IDA), on which 16 of the lots are proposed. The remaining 48.3 acres are currently designated as Resource Conservation Area (RCA).

The following comments were included in my February 1, 2011 letter to the County. In speaking with the County, it is my understanding that these comments must be addressed prior to submittal of the final Environmental Assessment and the final plat, respectively:

1. The following information is required for the Buffer Management Plan (BMP), as stated in COMAR 27.01.09.01-3:

- ✓ a. A maintenance plan for the control of invasive species, pests, and predation that shows invasive species and pest control practices, the provisions of at least 2 years of monitoring, and a reinforcement planting provision if survival rates fall below the standards in Regulation .01-2J and K of COMAR 27.01.09;
- ✓ b. The signature of the party responsible for the proposed activity and for the survival of the planting;
- ✓ c. COMAR 27.01.09.01-3.J(2)(d) states the maintenance plan must include a planting date for either before construction **or** before sale of the lot. If the applicant intends to sell the lots before construction, the planting date is required to occur prior to sale of the lots.
- ✓ d. To ensure that this planting occurs as required, we recommend the County consider the following:
 - i. Require a separate document to be held on file with both the permit office and the planning office. This document clearly identifies the responsibilities of the applicant for the planting of all areas, include the proposed planting date, outlines the survivability requirements for each area of planting so the County can easily inspect the property, and identifies the bond. It also contains the inspection agreement with times for inspection so the County and the applicant are aware of

the requirements. Lastly, it contains the applicant's signature indicating they are aware of their responsibilities to meet the planting requirements. The applicant can also maintain a copy of this document with the planting plan for their personal records.

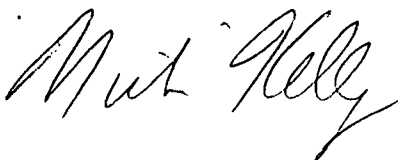
- ✓ e. The notes regarding the timing for planting should be amended to state that the bond or other financial surety may not be returned until plantings have been provided. This information should also be included on the document discussed above. If the applicant does not intend to sell the lots prior to the expiration of bond or other surety, then the planting must be completed before the financial surety ends.
2. The application indicates shoreline erosion control measures will be installed at this site. Please have the applicant submit a copy of any approved MDE permit to this office.
 3. The applicant is proposing to reduce the number of boat slips on the property from 50 to 15. Please have the applicant provide a copy of the MDE permit authorizing the use of these 15 slips and boat ramp to this office once it is acquired.

In addition, we have the following new comment regarding the submitted preliminary plat:

1. The applicant is proposing disturbance to slopes that are greater than 15% in order to create driveway access on Lots 13 and 14. Further, General Note #10 on the preliminary plat states that "proposed development on slopes greater than 25% that covers a contiguous area of 10,000 square feet or greater are man-made slopes." COMAR 27.01.02.04.C(5) prohibits development on slopes 15% or greater unless "the project is the only effective way to maintain or improve the stability of the slope." This regulation does not differentiate the origin of the steep slopes. Further, steep slopes cannot be eliminated as a way to protect or improve the stability of the slope. Therefore, all steep slopes, including man-made steep slopes, are protected under this provision, and cannot be disturbed unless this standard on COMAR is met. Given this disturbance is proposed to provide access to new lots and building sites, this standard has not been met, and a variance would be required, which this office would not support. Please have the applicant revise the plat to avoid impacts to these areas. One potential solution to avoid these impacts on Lot 13 is to create a shared driveway access for Lots 12 and 13. Likewise, it appears that the applicant could redesign the driveway on Lot 14 to avoid steep slope disturbance.

Thank you for the opportunity to provide comments. Please have the applicant provide a revised site plan that addresses the comments listed. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Regional Program Chief
cc: Jason Traband, CNA
CE 10-04

Fin. Assurance?
sig of resp. party?

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair
Ren Serey
Executive Director

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February 1, 2011

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina Preliminary Plat

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing an 18-lot subdivision on a 76.3-acre parcel. Currently, 27.9 acres are designated as Intensely Development Area (IDA), on which 16 of the lots are proposed. The remaining 48.3 acres are currently designated as Resource Conservation Area (RCA).

The following comments were included in my November 30, 2010 letter to the County. After speaking with the County, it is my understanding that these comments must be addressed prior to submittal of the final Environmental Assessment and the final plat, respectively:

1. The following information is required for the Buffer Management Plan (BMP), as stated in COMAR 27.01.09.01-3:
 - a. A maintenance plan for the control of invasive species, pests, and predation that shows invasive species and pest control practices, the provisions of at least 2 years of monitoring, and a reinforcement planting provision if survival rates fall below the standards in Regulation .01-2J and K of COMAR 27.01.09;
 - b. The signature of the party responsible for the proposed activity and for the survival of the planting;
 - c. COMAR 27.01.09.01-3.J(2)(d) states the maintenance plan must include a planting date for either before construction or before sale of the lot. If the applicant intends to sell the lots before construction, the planting date is required to occur prior to sale of the lots.
 - d. To ensure that this planting occurs as required, we recommend the County consider the following:
 - i. Require a separate document to be held on file with both the permit office and the planning office. This document clearly identifies the responsibilities of the applicant for the planting of all areas, include the proposed planting date, outlines the survivability requirements for each area of planting so the County can easily inspect the property, and identifies the bond. It also contains the inspection agreement with times for inspection so the County and the applicant are aware of

TTY for the Deaf

the requirements. Lastly, it contains the applicant's signature indicating they are aware of their responsibilities to meet the planting requirements. The applicant can also maintain a copy of this document with the planting plan for their personal records.

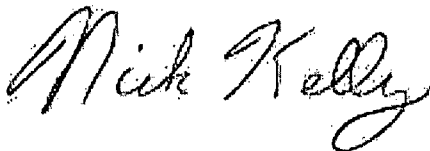
- e. The notes regarding the timing for planting should be amended to state that the bond or other financial surety may not be returned until plantings have been provided. This information should also be included on the document discussed above. If the applicant does not intend to sell the lots prior to the expiration of bond or other surety, then the planting must be completed before the financial surety ends.
2. The application indicates shoreline erosion control measures will be installed at this site. Please have the applicant submit a copy of any approved MDE permit to this office.
3. The applicant is proposing to reduce the number of boat slips on the property from 50 to 15. Please have the applicant provide a copy of the MDE permit authorizing the use of these 15 slips and boat ramp to this office once it is acquired.

In addition, we have the following new comment regarding the submitted preliminary plat:

1. The applicant is proposing grading of slopes that are greater than 15% on Lot 13. Further, General Note #10 on the preliminary plat states that "proposed development on slopes greater than 25% that covers a contiguous area of 10,000 square feet or greater are man-made slopes." COMAR 27.01.02.04.C(5) prohibits development on slopes 15% or greater unless "the project is the only effective way to maintain or improve the stability of the slope." This regulation does not differentiate the origin of the steep slopes. Further, steep slopes cannot be eliminated as a way to protect or improve the stability of the slope. Therefore, all steep slopes, including man-made steep slopes, are protected under this provision, and cannot be disturbed unless this standard on COMAR is met. Given this disturbance is proposed to provide a new lot and building site, this standard has not been met, and a variance would be required, which this office would not support. Please have the applicant revise the plat to avoid impacts to these areas.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner
cc: Jason Traband, CNA
CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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June 9, 2011

Ms. Amanda Paoletti
Cecil County Government
Office of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina

Dear Ms. Paoletti:

Thank you for forwarding the revisions associated with the above referenced site plan. The comments that Nick Kelly included in his previous letters have been addressed. However, I have these remaining comments:

1. The applicant has provided a Major Buffer Management Plan and all required elements have been included, with the exception of the financial assurance required per COMAR 27.01.09.01-3.J(2)(d). It is my understanding that you are currently working with the applicant to obtain the bond and will not issue an approval until this bond is secured.
 - a. Under Maintenance Plan #1, please have the applicant add the 2-year maintenance requirement into this note.
2. The final plat and the Buffer Management Plan show two separate style of driveways (one is a circular driveway and the other is not). Please have the applicant amend the plan to match appropriately.
3. It is not clear from the plans received if Mr. Kelly's comment regarding driveway access and the avoidance of steep slopes has been adhered to. As he indicated, a variance would be required for impacts to the steep slopes. As these are new lots, it is the expectation that they can be created in a conforming manner and without the need for a variance. As previously indicated, this office would not support a variance for impacts to steep slopes for access to these lots.

Ms. Paoletti
6/9/2011
Page 2 of 2

Based on this submittal and the securing of the bond, and provided that all other Critical Area requirements are met, we have no additional comments on the subdivision request. I can be contacted at 410-260-3476 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long, sweeping horizontal line extending to the right.

Julie Roberts
Natural Resources Planner

Cc: CE 10-04

Roberts, Julie

From: Roberts, Julie
Sent: Thursday, June 09, 2011 1:33 PM
To: 'Jason Traband'; AmandaPaoletti@ccgov.org
Subject: RE: Letter

Please see my responses below.

From: Jason Traband [mailto:jason.traband@cna-engineers.com]
Sent: Thursday, June 09, 2011 12:26 PM
To: Roberts, Julie; AmandaPaoletti@ccgov.org
Subject: RE: Letter

Julie,

Thanks for getting the letter completed and out.

I offer the following information regarding the 3 comments.

1. I have added the text to note #1 und the Maintenance Plan. Attached is the revised Sheet 2 of the Buffer Management Plan. I will send a hard copy as well.
Thank you.
2. Please clarify the discrepancy between the final plat and Buffer Management Plan. Are you referring the culdesac at the end of Elk Point Drive which is shown on the Buffer Management Plan. My understanding from our surveyor, is that proposed road right of ways are required for final plats, but roads are not.
We need the two plans to match and preferably, the roads should be shown.
3. Nick's comment regarding the driveways referenced lots 13 & 14, which are in the IDA portion of ht property. The comment also cited COMAR 27.01.02.04.C(5). This section of the code is for development in LDA's. I do not see any restriction on development on slopes greater than 15% in COMAR 27.01.02.03. As such, I had previously discussed this with Nick, and we had reached the agreement that the comment was made in error.
You are correct. Nick indicated that he had forgotten that conversation.

Please let me know.

Thanks,

Jason Traband, PWS
Environmental Scientist
CNA, Inc.
215 Bynum Road
Forest Hill, Maryland 21050
office: 410-879-7200
mobile: 410-808-3761
fax: 410-838-1811
email: jason.traband@cna-engineers.com

From: Roberts, Julie [mailto:JRoberts@dnr.state.md.us]
Sent: Thursday, June 09, 2011 11:22 AM
To: Jason Traband; AmandaPaoletti@ccgov.org
Subject: Letter

6/9/2011

Martin O'Malley
Governor

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November 30, 2010

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina, Preliminary Plat

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing an 18-lot subdivision on a 76.3-acre parcel. Currently, 27.9 acres are designated as Intensely Development Area (IDA), on which 16 of the lots are proposed. The remaining 48.3 acres are currently designated as Resource Conservation Area (RCA).

Based on the information provided, we have the following comments:

1. The most recent review from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) is from 2007. These reviews should be updated every 3 years. Any recommendations made by WHS must be addressed and incorporated into the Environmental Assessment.
2. In order to evaluate whether the proposed project fully complies with the development standards in the Critical Area, the following information must be shown on the preliminary plat:
 - a. A development rights summary table. In particular, the table should indicate that no further development rights are available in the RCA portion of the property.
 - b. A lot coverage summary table for the RCA indicating the amount of permitted lot coverage, the amount of lot coverage afforded to each lot, and the amount of lot coverage afforded for the access road and all other shared utilities.
 - c. The amount of proposed forest clearing should be identified within the IDA and RCA specifically. Forest clearing within the RCA is limited to 20%.

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

- d. Significant portions of the site are required to be held in easement or other similar protective measure including the Buffer and remaining forest areas in the RCA per COMAR 27.01.04.C(3)(e) and COMAR 27.01.09.01-3.D(2). These areas should be included on the preliminary plat.
3. The Environmental Assessment document and plan should be revised as follows:
- a. The EA plan should include the same revised development notes as described above.
 - b. The EA plan should also indicate those portions of the site to be held in easement or other protective measure.
 - c. The revised state Buffer regulations (COMAR 27.01.09.01) require that the expanded Buffer include a WSSC and its 100-foot Buffer. It is not clear from the discussion or from the plan whether the Plum Creek WSSC has been included in the expanded Buffer. Please revise the discussion and clearly indicate the boundary and 100-foot Buffer for the WSSC.
4. The following information is required for the Buffer Management Plan (BMP), as stated in COMAR 27.01.09.01-3:
- a. A maintenance plan for the control of invasive species, pests, and predation that shows invasive species and pest control practices, the provisions of at least 2 years of monitoring, and a reinforcement planting provision if survival rates fall below the standards in Regulation .01-2J and K of COMAR 27.01.09;
 - b. The signature of the party responsible for the proposed activity and for the survival of the planting;
 - c. To ensure that this planting occurs as required, we recommend the following:
 - i. The County should require a separate document to be held on file with both the permit office and the planning office. This document should clearly identify the responsibilities of the applicant for the planting of all areas, include the proposed planting date, outline the survivability requirements for each area of planting so the County can easily inspect the property, and identify the bond. It should also contain the inspection agreement with times for inspection so the County and the applicant are aware of the requirements. Lastly, it should contain the applicant's signature indicating they are aware of their responsibilities to meet the planting requirements. The applicant should maintain a copy of this document with the planting plan for their personal records.
 - ii. COMAR 27.01.09.01-3.J(2)(d) states the maintenance plan must include a planting date for either before construction **or** before sale of the lot. If the applicant intends to sell the lots before construction, the planting date is required to occur prior to sale of the lots.
 - iii. The notes regarding the timing for planting should be amended to state that the bond or other financial surety may not be returned until plantings have been provided. This information should also be included on the document discussed above. If the applicant does not intend to sell the lots prior to the expiration of bond or other surety, then the planting must be completed before the financial surety ends.

5. The application indicates shoreline erosion control measures will be installed at this site. Please have the applicant submit a copy of any approved MDE permit to this office.
6. The applicant is proposing to reduce the number of boat slips on the property from 50 to 15. We note that, as stated in Natural Resources Code §8-1808.5(d) (2) and §198.2(a) (2) of the Cecil County Zoning Ordinance, the number of slips permitted in a subdivision within the IDA is limited to one slip for every 50 feet of shoreline, and the number of slips permitted within the RCA is limited to one slip for every 300 feet of shoreline. Or, since 18 lots are proposed in the Critical Area, the applicant may be permitted 15 lots. The total number of slips allowed is the lesser of these two numbers (Shoreline calculation of slips versus the 15-slip total). Please ensure that the applicant is adhering to this requirement, and please have the applicant provide a copy of the MDE permit authorizing the use of these 15 slips and boat ramp to this office once it is acquired.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner

cc: Jason Traband, CNA
CE 10-04

Martin O'Malley
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Lt. Governor



Margaret G. McHale
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September 14, 2010

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina, Concept Plat

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing an 18-lot subdivision on a 76.3-acre parcel. Currently, 27.9 acres are designated as Intensely Development Area (IDA), on which 16 of the lots are proposed. The remaining 48.3 acres are currently designated as Resource Conservation Area (RCA).

Based on the information provided, we have the following comments on this concept plat:

1. As stated in Section 4.0.13(n) of the County's Subdivision Regulations, the general location of the Buffer is required on the plat. This includes the minimum 200-foot Buffer from the edge of tidal waters or tidal wetlands that is required for a new subdivision within the RCA, as stated in Natural Resources Code §8-1808.10. The current site plan only provides a 110-foot minimum Buffer in the RCA. Hence, the applicant must revise the site plan to provide the minimum 200-foot Buffer in the RCA. This Buffer may also require expansion for steep slopes, hydric soils, and/or highly erodible soils. It would appear that concept plat approval cannot be granted by the County until the 200-foot RCA Buffer is provided on the plan.

The following additional comments are provided as guidance for the applicant's future preliminary plat submission:

1. As you are aware, changes were recently made to regulations affecting the Buffer, COMAR 27.01.09.01-1 through 01-4. Consequently, the applicant must submit a revised Buffer exhibit that provides the following additional information:

- a. A minimum 200-foot Buffer in the RCA, as required under Natural Resources Code §8-1808.10;
 - b. Expansion of the Buffer for steep slopes (15% or greater). In particular, it appears that additional expansion of the 200-foot Buffer will be required, particularly on Lot 18 near the area of the existing gravel drive. In addition, updated transects will be required for the Buffer areas located in the RCA due to the expansion of the Buffer to 200 feet. Therefore, the slope should be measured 50 feet on each side of the 200-foot Buffer line, not the 110-foot Buffer line, as shown on the plat;
 - ✓ c. Delineation of all areas where slopes are between 5% and 15%, along with delineation of all locations where soil borings were performed to test the soil k-factor. The revised Buffer regulations require expansion of the Buffer for highly erodible soils up to the landward edge of these soils or 300', whichever is less. This information is needed in order to verify whether expansion of the Buffer for highly erodible soils is required.
- ✓ 2. The latest wetland delineation for this site occurred in 2007. An updated wetland and stream delineation, within the past two years and in conjunction with MDE, is required to accurately determine the area of both tidal and nontidal wetland onsite. This is of particular concern in the areas of Lots 14 and 18, where the plan delineates areas of standing water, yet a nontidal wetlands label is used for this feature. If these features are determined to be nontidal and adjacent to the Buffer, then the Buffer must be expanded to include the 25-foot nontidal wetland boundary. In addition, the concept plat shows the Mean High Water (MHW) line on Lot 18 extends beyond the current Buffer line. If this is also accurate, then the 200-foot Buffer must be redrawn from this point.
- ✓ 3. An updated review (within the past two years) of the property from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) is required. The most recent letter is from 2007. Please have the applicant submit an updated letter. Any recommendations made by WHS must be addressed and incorporated into the Environmental Assessment. This is of particular importance due to the presence of a Bald Eagles Nest and a Natural Heritage Area on the property.
4. Please have the applicant provide the following information on both the preliminary plat and the project's Environmental Assessment (EA) plat:
- a. The EA should show the areas of proposed development, including lot lines, roadways, parking areas, areas of proposed clearing, etc.;
 - b. The amount of State and private tidal wetlands. Please note, State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel per Annotated Code of Maryland – State Finance & Procurement Article §10-301, which establishes inland waters of the State & land under those waters as State

real property. Further, areas of State tidal wetlands cannot be used for density calculations or to meet the performance standards for development within the Critical Area;

- c. A note stating that, per COMAR 27.01.09.01 and §196.3 of the Cecil County Code, the 110-foot Buffer, 200-foot Buffer, and expanded Buffer shall be fully forested in three-tier vegetation in accordance with the approved Buffer Management Plan for this site. This note is also required on the final plat;
 - d. A standard note that prohibits any disturbance to the 110-foot, 200-foot, and expanded Buffer. This note is also required on the final plat;
 - e. The total amount of existing lot coverage onsite and proposed lot coverage. In addition, please have the applicant break down existing and proposed lot coverage by land classification (RCA and IDA);
 - f. The amount of existing and proposed impervious surface within the IDA. This is of particular importance, as these numbers are required in order to verify the accuracy of the submitted 10% phosphorus reduction worksheets;
 - g. The amount of proposed forest clearing. Any mitigation for forest clearing onsite shall be provided at a 1:1 ratio, provided it is less than 20% clearing;
5. The following information is required for the Buffer Management Plan (BMP), as stated in COMAR 27.01.09.01-3:
- a. A plan that shows the proposed limit of disturbance, the total number and size of trees to be removed, if applicable, and the arrangement of the planting to be done;
 - b. A landscape schedule that shows the proposed species type, the quantity of plants, the size of plants to be installed, and the planting date;
 - c. A maintenance plan for the control of invasive species, pests, and predation that shows invasive species and pest control practices, the provisions of at least 2 years of monitoring, and a reinforcement planting provision if survival rates fall below the standards in Regulation .01-2J and K of COMAR 27.01.09;
 - d. A long-term protection plan that includes evidence of financial assurance that adequately covers the planting and survivability requirement, a provision for at least 2 years of monitoring as required in Regulation .01-2J and K of COMAR 27.01.09, and if planting, an anticipated planting date before construction or the sale of the lot;
 - e. An inspection agreement that grants permission to the local jurisdiction to inspect the plantings at appropriate times. The inspection note should include information that states that the County will determine compliance with the survivability requirements of the planting areas, and that the County may not release a bond or any applicable permit until inspection is completed;
 - f. The information on which calculation of the amount of buffer to be established was based;



The signature of the party responsible for the proposed activity and for the survival of the planting;



As stated in COMAR 27.01.09.01-3.J(2), a note that establishment will be required at a planting date that occurs either before construction or before sale of each lot;

- i. A note that states that the applicant will plant all lots and put up a bond for the planting (as indicated on the plan). To ensure that this planting occurs as required, we recommend the following:
 - i. The County should require a separate document to be held on file with both the permit office and the planning office. This document should clearly identify the responsibilities of the applicant for the planting per each lot, include the proposed planting date, outline the survivability requirements for each area of planting so the County can easily inspect the property, and identify the bond. It should also contain the inspection agreement with times for inspection so the County and the applicant are aware of the requirements. Lastly, it should contain the applicant's signature indicating they are aware of their responsibilities to meet the planting requirements. The applicant should maintain a copy of this document with the planting plan for their personal records;
 - ii. COMAR 27.01.09.01-3.J(2)(d) states the maintenance plan must include a planting date for either before construction **or** before sale of the lot. If the applicant intends to sell the lots before construction, the planting date is required to occur prior to sale of the lots;
 - iii. The notes regarding the timing for planting should be amended to state that the bond or other financial surety may not be returned until plantings have been provided. This information should also be included on the document discussed above. If the applicant does not intend to sell the lots prior to the expiration of bond or other surety, then the planting must be completed before the financial surety ends.
 - j. While the location of the signs are shown on the BMP, we request that the applicant also include a note stating that signage will be placed at the upland boundary of the Buffer at a ratio of at least one sign per 200 feet of shoreline.
6. Please have the applicant provide details as to what building materials will be used for the proposed pervious parking area. We note that this parking area still counts towards lot coverage requirements. Further, if pervious pavers are used for this area, then specifications must be provided in order to ensure it receives proper credit for 10% phosphorus reduction requirements.
 7. Please have the applicant submit a copy of the specifications and schematics for the proposed wet swale and dry swale, as well as a copy of the stormwater management

Mr. DiGiacomo
September 14, 2010
Page Five

report and a full-size drainage map for the site (including arrows showing the direction of the drainage site), in order to verify the capabilities of these practices to meet 10% phosphorus reduction requirements for the site.

8. The application indicates shoreline erosion control measures will be installed at this site. Please have the applicant submit a copy of any approved MDE permit to this office.
9. The applicant is proposing to reduce the number of boat slips on the property from 50 to 15. We note that, as stated in Natural Resources Code §8-1808.5(d) (2) and §198.2(a) (2) of the Cecil County Zoning Ordinance, the number of slips permitted in a subdivision within the LDA is limited to one slip for every 50 feet of shoreline, and the number of slips permitted within the RCA is limited to one slip for every 300 feet of shoreline. Or, since 18 lots are proposed in the Critical Area, the applicant may be permitted 15 lots. The total number of slips allowed is the lesser of these two numbers (Shoreline calculation of slips versus the 15-slip total). Please ensure that the applicant is adhering to this requirement, and please have the applicant provide a copy of the MDE permit authorizing the use of these 15 slips and boat ramp to this office once it is acquired.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner

NK/jjd

cc: Mr. Jason Traband, CNA
CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 4, 2010

Mr. Joe Johnson
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

**Re: Elk Point Marina, LLC
Rezoning**

Dear Mr. Johnson:

Thank you for providing information regarding the above-referenced rezoning request. The applicant is proposing to rezone a portion of a 76.953-acre parcel from Suburban Residential (SR)/Maritime Business (MB) to SR. Currently, 27.995 acres are designated as Intensely Development Area (IDA) and is designated as MB. The remaining 48.331 acres are currently designated as Resource Conservation Area (RCA) and are zoned as SR. No changes are proposed to the zoning within the RCA portion of the project.

Based on the information provided, we do not oppose this rezoning request. However, we do have the following comment:

1. The applicant is proposing to reduce the number of boat slips on the property from 50 to 15. We note that, as stated in Natural Resources Code §8-1808.5(d)(2) and §198.2(a)(2) of the Cecil County Zoning Ordinance, the number of slips permitted in a subdivision within the LDA is limited to one slip for every 50 feet of shoreline, and the number of slips permitted within the RCA is limited to one slip for every 300 feet of shoreline. Or, since 18 lots are proposed in the Critical Area, the applicant may be permitted 15 lots. The total number of slips allowed is the lesser of these two numbers (Shoreline calculation of slips versus the 15-slip total). Please ensure that the applicant is adhering to this requirement.
2. The applicant should refer to our June 2, 2010 letter for comments regarding the design of the proposed subdivision for this property.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Kelly". The signature is fluid and cursive, with the first name "Nick" and last name "Kelly" clearly distinguishable.

Nick Kelly
Natural Resource Planner

cc: CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 2, 2010

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina, Concept Plat

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing an 18-lot subdivision on a 76.326-acre parcel. Currently, 27.995 acres are designated as Intensely Development Area (IDA), on which 16 of the lots are proposed. The remaining 48.331 acres are currently designated as Resource Conservation Area (RCA).

Based on the information provided, we have the following comments:

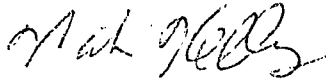
1. As you are aware, changes were recently made to regulations affecting the Buffer, COMAR 27.01.09.01-1 through 01-4. These changes affect the delineation of the Buffer on this site as final plans have not yet been approved by the County. The applicant must submit a revised Buffer exhibit that provides the following additional information:
 - a. A minimum 200-foot Buffer in the RCA, as required under Natural Resources Code §8-1808.10;
 - b. Expansion of the Buffer for steep slopes (15% or greater). In particular, it appears that additional expansion of the 200-foot Buffer will be required, particularly on Lot 18 near the area of the existing gravel drive. In addition, updated transects will be required for the Buffer areas located in the RCA due to the expansion of the Buffer to 200 feet;
 - c. Delineation of all areas where slopes are between 5% and 15%, along with delineation of all locations where soil borings were performed to test the soil k-factor. The revised Buffer regulations require expansion of the Buffer for highly erodible soils up to the landward edge of these soils or 300', whichever is less. This information is needed in order to verify whether expansion of the Buffer for highly erodible soils is required.

2. The latest wetland delineation for this site occurred in 2007. We recommend that the County require the applicant perform an updated wetland delineation with MDE to accurately determine the area of both tidal and nontidal wetland onsite. This is of particular concern in the areas of Lots 14 and 18, where the plan delineates areas of standing water, yet a nontidal wetlands label is used for this feature. If these features are determined to be nontidal and adjacent to the Buffer then the Buffer must be expanded to include the 25-foot nontidal wetland boundary.
3. An updated review (within the past two years) of the property from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) is required. The most recent letter is from 2007. Please have the applicant submit an updated letter. Any recommendations made by WHS must be addressed and incorporated into the Environmental Assessment. This is of particular importance due to the presence of a Bald Eagles Nest and a Natural Heritage Area on the property.
4. Please have the applicant provide the following information on both the concept plat and the project's Environmental Assessment (EA) plat:
 - a. The amount of State and private tidal wetlands. Please note, State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel per Annotated Code of Maryland – State Finance & Procurement Article §10-301, which establishes inland waters of the State & land under those waters as State real property. Further, areas of State tidal wetlands cannot be used for density calculations or to meet the performance standards for development within the Critical Area;
 - b. A note stating that, per COMAR 27.01.09.01 and §196.3 of the Cecil County Code, the 110-foot Buffer, 200-foot Buffer, and expanded Buffer shall be fully forested in three-tier vegetation in accordance with the approved Buffer Management Plan for this site;
 - c. A standard note that prohibits any disturbance to the 110-foot, 200-foot, and expanded Buffer;
 - d. The total amount of existing lot coverage onsite and proposed lot coverage. In addition, please have the applicant break down existing and proposed lot coverage by land classification (RCA and IDA);
 - e. The amount of existing and proposed impervious surface within the IDA. This is of particular importance, as these numbers are required in order to verify the accuracy of the submitted 10% phosphorus reduction worksheets;
 - f. Further detail within the Bald Eagle's nest note. In particular, information on the development restrictions for each radii;
 - g. The amount of proposed forest clearing. Any mitigation for forest clearing onsite shall be provided at a 1:1 ratio, provided it is less than 20% clearing.
5. The following information is required for the Buffer Management Plan (BMP), as stated in COMAR 27.01.09.01-3:
 - a. Plant species, size, and credits allocated to each species;

- b. As stated in COMAR 27.01.09.01-3.J(2), a note that establishment will be required at a planting date that occurs either before construction or before sale of each lot;
 - c. An inspection note that states that the County will determine compliance with the survivability requirements of the planting areas, and that the County may not release a bond or any applicable permit until inspection is completed;
 - d. A note that states that the applicant will plant all lots and put up a bond for the planting (as indicated on the plan). To ensure that this planting occurs as required, we recommend the following:
 - i. The County should require a separate document to be held on file with both the permit office and the planning office. This document should clearly identify the responsibilities of the applicant for the planting per each lot, include the proposed planting date, outline the survivability requirements for each area of planting so the County can easily inspect the property, and identify the bond. It should also contain the inspection agreement with times for inspection so the County and the applicant are aware of the requirements. Lastly, it should contain the applicant's signature indicating they are aware of their responsibilities to meet the planting requirements. The applicant should maintain a copy of this document with the planting plan for their personal records;
 - ii. COMAR 27.01.09.01-3.J(2)(d) states the maintenance plan must include a planting date for either before construction or before sale of the lot. If the applicant intends to sell the lots before construction, the planting date is required to occur prior to sale of the lots;
 - iii. The notes regarding the timing for planting should be amended to state that the bond or other financial surety may not be returned until plantings have been provided. This information should also be included on the document discussed above. If the applicant does not intend to sell the lots prior to the expiration of bond or other surety, then the planting must be completed before the financial surety ends.
 - e. A note that signage will be placed at the upland boundary of the Buffer at a ratio of at least one sign per 200 feet of shoreline.
6. Please have the applicant provide details as to what building materials will be used for the "pervious parking area." We note that this parking area still counts towards lot coverage requirements. Further, if pervious pavers are used for this area, then specifications must be provided in order to ensure it receives proper credit for 10% phosphorus reduction requirements.
7. Please have the applicant submit a copy of the specifications and schematics for the proposed wet swale and dry swale, in order to verify the capabilities of these practices to meet 10% phosphorus reduction requirements for the site.
8. The application indicates shoreline erosion control measures will be installed at this site. Please have the applicant submit a copy of any approved MDE permit to this office.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nick Kelly". The signature is fluid and cursive, with the first name "Nick" and last name "Kelly" clearly distinguishable.

Nick Kelly
Natural Resource Planner

cc: Jason Traband, CNA
CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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www.dnr.state.md.us/criticalarea/

June 3, 2008

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Mr. Jason Traband
CNA, Inc
215 Bynum Road
Forest Hill, Maryland 21050

Re: Elk Point Marina Buffer Expansion

Dear Mr. DiGiacomo and Mr. Traband:

This office has reviewed the 'Critical Areas Buffer Establishment' site plan for the Elk Point Marina property. The site plan shows the 110-foot Buffer expanded for steep slopes and the area of highly erodible soils with slope of 5% or greater. The site plan was accompanied by a memo from CNA that described the procedure they used for Buffer expansion and asked for additional guidance. Based on this memo and subsequent discussions with Mr. DiGiacomo, I have the following comments:

1. CNA correctly applied the Buffer expansion formula of four feet for every one percent of slope. However, in the vicinity of transects 22, 23, 24, 27, and 30 the Buffer should be expanded to the limit of the steep slopes, even though they may be perpendicular to the shoreline. In the vicinity of transects 10-12 the Buffer should also be expanded around the limit of the steep slopes. While the slope between transects 10 and 12 is away from water, based on the language within the Zoning Ordinance, it is difficult to establish how to not expand around these areas. Further, the Critical Area law and Criteria protect all steep slopes, regardless of whether they were man-made.
2. Section 196.2.a of the Cecil County Zoning Ordinance states that the Buffer shall be expanded to include contiguous sensitive areas such as highly erodible soils 'whose development or disturbance may impact streams, wetlands, or other aquatic

environments'. Provided the applicant can demonstrate that the development or disturbance of the highly erodible soils will not impact streams, wetlands or other aquatic environments, Cecil County may waive the requirement for expanding the Buffer to include this sensitive area. It is my understanding the County may be proposing revisions to Section 196 to provide additional guidance regarding this requirement. It is the County's discretion as to whether modifications to the expanded Buffer for highly erodible soils may be presented by the applicant at this time.

3. If the County determines that the applicant can modify the Buffer expansion at this time, I recommend that the applicant provide a detailed analysis of the proposed development on the highly erodible soils with slopes from 5% and up to 15%. The analysis should demonstrate that development or disturbance will not impact streams, wetlands or aquatic environments. Further, I recommend a number of Best Management Practices be provided, including:
 - a. Infiltration of run-off on-site; or
 - b. Flow attenuation by use of open vegetated swales and natural depressions; or
 - c. Stormwater retention structures; or
 - d. Stormwater detention structures; or
 - e. Stormwater drainage infrastructure necessary to collect and convey runoff from the point of concentration to an existing stable channel downslope of the erodible soils.

Thank you for the opportunity to provide comments. I am available to discuss this issue further if necessary. Please contact me if you have any questions at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
CE10-04

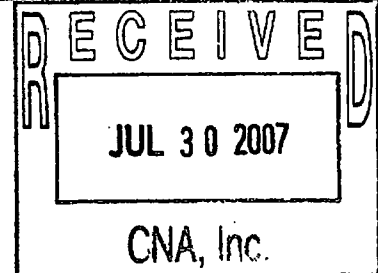


MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

July 20, 2007

Mr. Jason Traband
CNA, Inc.
215 Bynum Road
Forest Hill, MD 21050



RE: Environmental Review for Elk Point Marina, Tax Map 37 Parcel 3, Old Field Road, Elkton, Cecil County, Maryland.

Dear Mr. Traband:

The Wildlife and Heritage Service has determined that the project site falls partially within a Natural Heritage Area (NHA) known as Plum Creek NHA #15. Activities within NHAs are regulated so that the structure and species composition of the area are maintained. This NHA is known to support state rare Spongy Lophocarpus (*Sagittaria calycina*) and state-listed endangered Mudwort (*Limosella australis*), both of which are recorded on or within very close proximity to the project site.

It is also important to note that a portion of Plum Creek on the project site is designated in state regulations as a Wetland of Special State Concern (WSSC) and regulated by Maryland Department of the Environment. Your project may need review by MDE for any permits associated with the WSSC.

A bald eagle nest occurs on the property. The bald eagle is listed as a threatened species by both the state and the federal government. Protection of endangered species habitat is required within the Critical Area. The approximate location of the eagle nest on the property is indicated on the attached map. To protect this nest site the following guidelines should be implemented:

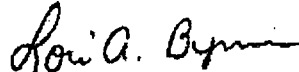
1. Establish a protection area of ¼ mile radius around the nest tree. Within this area, establish three zones of protection: Zone 1 extends from the nest tree to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to ¼ mile (1320 ft).
2. No land use changes, including development or timber harvesting, should occur in Zone 1.
3. Construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2 and ideally no closer than 750 feet from the nest.
4. Selective timber harvesting may occur in Zone 2, but clearcutting should be avoided.
5. No construction or timber harvesting activities should occur within the ¼ mile protection zone during the eagle nesting season, which is from December 15 through June 15.

Page 2

These general guidelines are used by our biologists for bald eagle nest site protection. Specific protection measures depend on the site conditions, planned activities, nest history and other factors. For more specific technical assistance regarding your project relative to bald eagle protection contact the WHS.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2007.1434.ce
Cc: D. Brinker, DNR
L. Hindman, DNR
Attachment



engineers, surveyors & landscape architects

May 12, 2011

Cecil County Government
Department of Planning and Zoning
200 Chesapeake Boulevard
Suite 2300
Elkton, Maryland 21921

Attention: Amanda M. Paoletti

Re: Elk Point Marina Reforestation and Landscape Plan
Planting Cost Estimate
Cecil County, Maryland
CNA Job No.: 07050

Street Trees

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
24	Acer rubrum	2-2 1/2" cal	\$225	\$225	\$10,800
24	Quercus palustris	2-2 1/2" cal	\$225	\$225	\$10,800
23	Zelkova serrata	2-2 1/2" cal	\$225	\$225	\$10,350
Sub Total.....					\$31,950

Old Field Point Road Bufferyard 'C'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
3	Quercus alba	2-2 1/2" cal	\$225	\$225	\$1,350
6	Cercis canadensis	1-1 1/2" cal	\$150	\$150	\$1,800
2	Cornus florida	1-1 1/2" cal	\$140	\$140	\$560
6	Ilex glabra 'Compacta'	2-3' ht cont	\$20	\$20	\$240
5	Kalmia latifolia	2-3' ht cont	\$24	\$24	\$240
Sub Total.....					\$4,190

Cemetery Perimeter Bufferyard 'C'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
3	Quercus rubra	2-2 1/2" cal	\$225	\$225	\$1,350
7	Cercis canadensis	1-1 1/2" cal	\$150	\$150	\$2,100
11	Ilex glabra 'Compacta'	2-3' ht cont	\$20	\$20	\$440
Sub Total.....					\$3,890

215 Bynum Road ▲ Forest Hill, Maryland 21050 ▲ 410-879-7200 ▲ Fax: 410-838-1811
22 S. Main Street ▲ Selbyville, Delaware 19975 ▲ 302-436-7295 ▲ Fax: 302-436-7598
1040 Hardees Drive ▲ Suite B ▲ Aberdeen, Maryland 21001 ▲ 410-273-9544 ▲ Fax: 410-273-9545

E-mail: cnamail@cna-engineers.com

Cecil County Government

Re: Elk Point Marina Reforestation and Landscape Plan

Planting Cost Estimate

May 12, 2011

Page 2 of 2

Reforestation Area #1

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
21	Acer rubrum	1" cal	\$140	\$140	\$5,880
22	Liquidambar styraciflua	1" cal	\$140	\$140	\$6,160
80	Quercus alba	1/4" cal	\$9	\$9	\$1,440
80	Quercus rubra	1/4" cal	\$9	\$9	\$1,440
80	Pinus virginiana	1-2"ht cont	\$6	\$6	\$960
Sub Total.....					\$15,880

Reforestation Area #2

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
13	Acer rubrum	1" cal	\$140	\$140	\$3,640
15	Liquidambar styraciflua	1" cal	\$140	\$140	\$4,200
42	Quercus alba	1/4" cal	\$9	\$9	\$756
42	Quercus rubra	1/4" cal	\$9	\$9	\$756
42	Pinus virginiana	1-2"ht cont	\$6	\$6	\$504
Sub Total.....					\$9,856

Total.....\$65,766

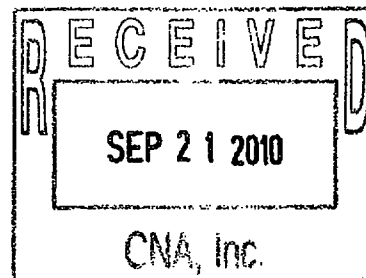


MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

September 16, 2010

Mr. Jason Traband
CNA, Inc.
215 Bynum Road
Forest Hill, MD 21050



RE: Environmental Review for Elk Point Marina, Tax Map 37, Parcel 3, along Oldfield Road in Elkton, Cecil County, Maryland.

Dear Mr. Traband:

The Wildlife and Heritage Service's Natural Heritage database indicates that a portion of the project site along Plum Creek falls within the Plum Creek Natural Heritage Area (NHA #15) which is also designated in state regulations as a Wetland of Special State Concern (WSSC). These regulated areas are designated as such for the presence of state-listed endangered Mudwort (*Limosella australis*) and state rare Spongy Lophotocarpus (*Sagittaria calycina*), both intertidal plant species. Activities within NHAs are regulated so that the structure and species composition are maintained. This is done by the local jurisdiction's Critical Area Program. Your project may also need review by Maryland Department of the Environment for any necessary permits associated with the WSSC.

Plum Creek Natural Heritage Area (NHA) contains a variety of habitats including tidal and non-tidal marshes and swamps, tidal mudflats, tidal and non-tidal open water, and forested ravines and slopes. Natural Heritage Areas are communities of plants and animals which are considered to be among the best Statewide examples of their kind, and are designated by State regulation. Most of Plum Creek NHA is within the Critical Area Buffer. The Buffer is a Habitat Protection Area established by the Critical Area Criteria to "protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances."

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER # 2010.1025.ce
Cc: D. Brinker, DNR
K. Charbonneau, CAC





engineers, surveyors & landscape architects

May 24, 2011

Cecil County Government
Department of Planning and Zoning
200 Chesapeake Boulevard
Suite 2300
Elkton, Maryland 21921

Attention: Amanda M. Paoletti

Re: Elk Point Marina Buffer Management Plan
Planting Cost Estimate
Cecil County, Maryland
CNA Job No.: 07050

Afforestation Area 'A'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
600 3	Acer rubrum	2" cal	\$200	\$200	\$1,200
600 3	Liquidambar styraciflua	2" cal	\$200	\$200	\$1,200
300 3	Quercus rubra	1" cal	\$140	\$140	\$840
400 4	Cornus florida	1" cal	\$140	\$140	\$1,120
400 4	Ilex opaca	1" cal	\$140	\$140	\$1,120
75 3	Kalmia latifolia	1 gal 18" high	\$6	\$6	\$36
225 3	Viburnum dentatum	1 gal 4' high	\$12	\$12	\$72
18	Liriodendron tulipifera	½-1" cal cont	\$14	\$14	\$504
18	Nyssa sylvatica	½-1" cal cont	\$14	\$14	\$504
18	Quercus alba	½-1" cal cont	\$14	\$14	\$504
18	Quercus prinus	½-1" cal cont	\$14	\$14	\$504

Sub Total.....\$7,604

Afforestation Area 'B'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
8	Acer rubrum	2" cal	\$200	\$200	\$3,200
9	Liquidambar styraciflua	2" cal	\$200	\$200	\$3,600
10	Quercus rubra	1" cal	\$140	\$140	\$2,800
10	Carpinus caroliniana	1" cal	\$140	\$140	\$2,800
10	Ilex opaca	1" cal	\$140	\$140	\$2,800
9	Clethra alnifolia	1 gal 4' high	\$12	\$12	\$216
9	Hamamelis virginiana	1 gal 18" high	\$6	\$6	\$108
11	Viburnum dentatum	1 gal 4' high	\$12	\$12	\$264
80	Acer rubrum	½-1" cal cont	\$14	\$14	\$2,240

215 Bynum Road ▲ Forest Hill, Maryland 21050 ▲ 410-879-7200 ▲ Fax: 410-838-1811
22 S. Main Street ▲ Selbyville, Delaware 19975 ▲ 302-436-7295 ▲ Fax: 302-436-7598
1040 Hardees Drive ▲ Suite B ▲ Aberdeen, Maryland 21001 ▲ 410-273-9544 ▲ Fax: 410-273-9545

E-mail: cnamail@cna-engineers.com

Cecil County Government
 Re: Elk Point Marina Reforestation and Landscape Plan
 Planting Cost Estimate
 May 24, 2011
 Page 2 of 3

47	Nyssa sylvatica	½-1" cal cont	\$14	\$14	\$1,316
24	Quercus alba	½-1" cal cont	\$14	\$14	\$672
65	Quercus palustris	½-1" cal cont	\$14	\$14	\$1,820

Sub Total.....\$21,836

Afforestation Area 'C'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
2	Liquidambar styraciflua	2" cal	\$200	\$200	\$800
2	Quercus rubra	1" cal	\$140	\$140	\$560
3	Ilex opaca	1" cal	\$140	\$140	\$840
5	Clethra alnifolia	1 gal 4' high	\$12	\$12	\$120
5	Viburnum dentatum	1 gal 4' high	\$12	\$12	\$120
25	Acer rubrum	½-1" cal cont	\$14	\$14	\$700
20	Quercus alba	½-1" cal cont	\$14	\$14	\$560

Sub Total.....\$3,700

Afforestation Area 'D'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
4	Acer rubrum	2" cal	\$200	\$200	\$1,600
4	Liquidambar styraciflua	2" cal	\$200	\$200	\$1,600
6	Quercus rubra	1" cal	\$140	\$140	\$1,680
7	Carpinus caroliniana	1" cal	\$140	\$140	\$1,960
6	Ilex opaca	1" cal	\$140	\$140	\$1,680
5	Clethra alnifolia	1 gal 4' high	\$12	\$12	\$120
5	Hamamelis virginia	1 gal 18" high	\$6	\$6	\$60
6	Viburnum dentatum	1 gal 4' high	\$12	\$12	\$144
30	Acer rubrum	½-1" cal cont	\$14	\$14	\$840
36	Liriodendron tulipifera	½-1" cal cont	\$14	\$14	\$1,008
22	Quercus alba	½-1" cal cont	\$14	\$14	\$616
33	Quercus rubra	½-1" cal cont	\$14	\$14	\$924

Sub Total.....\$12,232

Understory Planting Area 'A'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
3	Carpinus caroliniana	1" cal	\$140	\$140	\$840
3	Ilex opaca	1" cal	\$140	\$140	\$840
12	Clethra alnifolia	1 gal 4' high	\$12	\$12	\$288
12	Hamamelis virginia	1 gal 4' high	\$12	\$12	\$288

Sub Total.....\$2,256

Understory Planting Area 'B'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
5	Carpinus caroliniana	1" cal	\$140	\$140	\$1,400
7	Ilex opaca	1" cal	\$140	\$140	\$1,960
42	Clethra alnifolia	1 gal 4' high	\$12	\$12	\$1,008
43	Viburnum dentatum	1 gal 4' high	\$12	\$12	\$1,032

Sub Total.....\$5,400

Understory Planting Area 'C'

<u>Qty</u>	<u>Description</u>	<u>Size</u>	<u>Unit Price</u>	<u>Install/maintain</u>	<u>Total</u>
3	Carpinus caroliniana	1" cal	\$140	\$140	\$840
5	Ilex opaca	1" cal	\$140	\$140	\$1,400
11	Clethra alnifolia	1 gal 4' high	\$12	\$12	\$264
18	Viburnum dentatum	1 gal 4' high	\$12	\$12	\$432

Sub Total.....\$5,400

Natural Regeneration Bond

Natural regeneration area 'A'	0.10 acres X \$36,470/acre	\$3,647
Natural regeneration area 'B'	<0.01 acres X \$36,470/acre	\$365
Natural regeneration area 'C'	1.04 acres X \$36,470/acre	\$37,929
Natural regeneration area 'D'	0.03 acres X \$36,470/acre	\$1,094

Sub Total.....\$43,035

Total.....\$93,807

MAY 25, 2011

ELK POINT MARINA

Elkton

Cecil County, Maryland

Final

***Chesapeake Bay Critical Area
Environmental Assessment***

Prepared for:

**Elk Point, L.L.C,
8629 Philadelphia Road
Baltimore, Maryland 20237**

Submitted to:

**Cecil County Department of Planning & Zoning
200 Chesapeake Boulevard, Suite 2300
Elkton, Maryland 21921**

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INTRODUCTION

CNA, Inc. is submitting a Preliminary Critical Area Environmental Assessment for the Elk Point Marina project in Elkton, Cecil County, Maryland. The purpose of this report is to identify and inventory environmental resources on the ± 76.326 acre project site. Completion of such an inventory is critical in the planning process to avoid and minimize adverse impacts and cumulative effects on existing resources. This report addresses the following points:

1. Identification and description of existing site conditions and environmental resources
2. Identification and delineation of all designated Habitat Protections Areas
3. A description of proposed site development conditions and methods proposed to ensure compliance with appropriate federal, state, and local regulations.

EXISTING CONDITIONS

Overview

The Elk Point Marina project site consists of one parcel (Tax Map: 37, Parcel: 3) enclosing a total area of ± 76.339 acres. An onsite cemetery of the Bryson family as described by deed 2298/3 consists of 0.013 acres. This area is recorded in the Land Records of Cecil County as land reserved in a deed from Thomas and Annie Bryson to Theodore Ott. Exclusion of this area from the overall site acreage makes the project area ± 76.326 acres. The subject site is located along Oldfield Point Road (see ADC Site Location Map, Appendix A). Surrounding land uses are Raintree/Cecil County Airport to the west, Muddy Creek to the north, Elk River to the east, and Plum Creek to the east and south. The site consisted of two county-designated zones. The northern and western ± 48.331 acre portion of the property is zoned as Suburban Residential (SR). The SR zone area is generally consists of a gravel drive, maintained grass area and forested land. The remaining ± 27.995 acres of the site was zoned as Maritime Business (MB) and was operated as a commercial marina until October 2007. This portion of the property is located on the southern and western end of the site. The developer has made significant efforts to clean up the former marina and boat storage facilities. A rezoning request was to change the MB zone to SR was approved in July 2010. As a result the entire ± 76.326 acres is now zoned SR.

Critical Area

The entire site lies within the Chesapeake & Atlantic Coastal Bays Critical Area and consists of two Critical Area designations. The Critical Area designations correspond to the SR and former MB zones. The ± 48.331 acre SR zoned area is designated as

Resource Conservation Area (RCA), while the \pm 27.995 acre rezoned SR area is designated as Intense Development Area (IDA).

Wetlands and Streams

A wetland delineation was completed in July 2007 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. For the purpose of buffer establishment, the delineation distinguishes between tidal and nontidal wetlands, and open Waters of the U.S. and delineation limits are shown on all project plans. A formal Jurisdictional Determination has not been completed for this project. However, CNA, Inc. has met onsite with the Maryland Department of the Environment (MDE) and the US Army Corps of Engineers (ACOE) regarding a permit for bulkhead and dock repair of the existing marina facilities. Given the length of time between the original delineation and the submission of the Conceptual Environmental Assessment, the Critical Area Commission had requested an updated review of onsite wetland conditions. As a result, CNA completed a site investigation in November 2010 to compare current site conditions with the previous delineation limits. Overall site conditions remain the same with no noted evidence of hydrologic changes or shoreline erosion. As a result the wetland limits as previously shown on plans remain the same. Regarding the ponded water areas within the excavated pit, these areas were created through the excavation of uplands and so have a valid argument not to be considered jurisdictional wetlands. Nevertheless, the proposed development has taken these areas into consideration, and they are being avoided.

All onsite tidal wetlands are private tidal wetlands. The property boundary as shown is based on a field-run boundary survey completed by CNA in April 2008. Maryland Survey Law dictates that property boundaries shall not project beyond the Mean High Tide line. Consequently, all \pm 0.38 acres of onsite tidal wetlands are above the Mean High Water Line and so are private tidal wetlands.

Soils

As identified in the Conceptual Environmental Assessment, the Elk Point Marina site consisted of the 15 soil series. At the request of the Cecil County Health Department, plans have been updated with revised to include 2009 United States Department of Agriculture (USDA) soils data. New mapping consolidates site soils into the following 12 soil series (see Final Environmental Assessment, Appendix A):

Soil Series	Abbr.	% Hydric ¹	USDA K-factor ²	mean CNA K-factor ³	Slope
Chillum silt loam	CbB	0	0.02	na	2-5%
Chillum silt loam	CbC	0	0.02	na	5-10%
Christiana-Sassafras-Urban land complex	CfD	0	0.43	0.12	5-15%
Elsinboro silt loam	EnB	0	0.37	0.10	3-8%
Hambrook-Urban land complex	HkB	0	not listed	na	0-5%
Matapeake-Urban land complex	MkB	0	0.49	0.12	2-5%
Nanticoke & Mannington soils	NM	100	0.37	na	na
Russett-Christiana-Hambrook complex	RmC	0	0.28	na	5-10%
Russett-Christiana-Hambrook complex	RmD	0	0.28	na	10-15%
Sassafras sandy loam	SaC	0	0.24	na	5-10%
Sassafras sandy loam	SaE	5	0.24	na	15-25%
Zekiah loam	Za	100	0.37	na	na

¹ Source: 2010 USDA Hydric Soils List for Maryland

² Source USDA-NRCS Web Soil Survey

³ See Appendix B for CNA Soil Erodibility Investigation & Updated Soil Erodibility Exhibit

Previous soils mapping was based on the USDA Soil Survey for Cecil County. CNA completed a soil erodibility study in 2008 based on this mapping. The analysis indicated that soil erodibility was below the 0.35 threshold for all samples tested (see Soil Erodibility Study, Appendix B). Updated soil mapping as shown on all plans and in the above table indicates lower soil K-factors than previously mapped. An Updated Soil Erodibility Exhibit (Appendix B) has been prepared based on new mapping, > 5% site slopes, and relevant sample locations from the previous erodibility study (see Appendix B). As was the case with the previous mapping, updated soil mapping does not warrant buffer expansion for erodible soils

Forest/Woodland

Forest and other woodland cover was assessed through a site investigation in which the subject property was walked to inventory and evaluate vegetative stand types. Field notes were also compared to aerial photography and survey data. A total of 22 specimen trees were identified during the field investigation and are shown on the Final Environmental Assessment (Appendix A).

The total onsite forest/woodland area was found to be ± 52.67 acres. The forest/woodland area consists of several woodland types identified by species composition, structure, and age. In general, the subject site is dominated by forest of the

Oak/Hickory forest association. Areas of mature forest consist primarily of *Quercus prinus* and *Quercus rubra* intermixed with other *Quercus* species, *Acer rubrum*, *Liquidambar styraciflua*, and *Fagus grandifolia*. Common understory species include *Viburnum dentatum*, *Lindera benzoin*, and *Clethra alnifolia*. In some areas of this Oak/Hickory forest, particularly on the steeper slope areas, *Kalmia latifolia* dominates the understory. Common herbaceous species include several fern species, *Lonicera*, as well as *Smilax*.

Left to regenerate naturally, other forest woodland areas will likely revert back to the Oak/Hickory forest. One area of forest on the north corner of the site near Muddy Creek has been impacted due to beaver activity. There is also an area near the existing marina facilities with mature tree canopy coverage, but maintenance via mowing prevents the regeneration of understory. The forest in the north central portion of the site is younger and of different species composition than the typical Oak/Hickory forest. These areas consist of *Liriodendron tulipifera*, *Acer rubrum*, and *Liquidambar styraciflua* and were likely more recently cleared than other onsite forested areas. Given sufficient time, these areas will transition to Oak/Hickory forest. A few areas also contain early successional brush/hedge type conditions. Invasive species such as *Rosa multiflora*, and *Celastrus orbiculatis* are present with higher occurrence rates in the early successional and younger forested areas.

Steep Slopes

Site topography as shown on all plans is based on aerial photogrammetric and field run survey data. Utilizing this topography, a steep slopes analysis was run to distinguish among slopes less than 15%, 15-25% slopes, and slopes greater than 25%. Onsite excavation of fill material from two locations has resulted in man-made steep slope areas (see Final Environmental Assessment, Appendix A).

100-Year Floodplain

The Elk Point Marina project is bordered on three sides by tidal waters. The 100-Year Floodplain as shown on FEMA Floodplain map panel: 2400190033A (April 4, 1993, see Floodplain Map, Appendix A). According to the FEMA map, the 100-Year Floodplain elevation is at approximately 12 ft above mean sea level.

Submerged Aquatic Vegetation

The latest submerged aquatic vegetation (SAV) data from the Virginia Institute of Marine Science VIMS is from 2008. Available maps for the project area indicate the presence of SAV within Plum Creek, at the mouth of Muddy Creek and offshore of the site in Elk River (see SAV Map, Appendix A).

Shore Erosion

Shoreline erosion is generally not a problem on this site as noted during site visits. Except where the existing bulkhead and piers are located, tidal shores are highly vegetated with the majority of the shore being forested. Some minor shoreline erosion is occurring in the vicinity of the existing bulkhead and piers. Proposed repairs to the existing bulkhead will stabilize the shoreline in this area. Further, the remainder of the marina area will be replanted as a part of the buffer establishment (see Final Buffer Management Plan and associated narrative) which will offer additional shoreline stabilization.

Impervious area

Existing impervious area has been calculated from aerial photogrammetric survey data. Site impervious area includes existing rooftops and gravel drives. Total subject site (RCA and IDA) existing impervious area is $193,132 \text{ ft}^2 \pm$ (4.43 ac.). Total existing impervious area within the 28.00 ac \pm IDA portion of the property is $156,455 \text{ ft}^2 \pm$ (3.59 ac., see Appendix C)

HABITAT PROTECTION AREAS

100-Foot Buffer

In the IDA portion of the site, the minimum 100 ft. Critical Area buffer is encompassed with the Cecil County 110 ft. buffer requirements (see Final Environmental Inventory, Appendix A). The RCA portion of the site requires a minimum 200 ft Critical Area buffer. The combination 110 ft/200 ft. base buffer was offset from all stream and tidal wetland areas. CNA, Inc. has met with Critical Area Commission staff to determine the appropriate buffer expansion criteria. The buffer has been further expanded based on steep slopes as per Cecil County Zoning Ordinance Section 196.2 which requires buffer expansion on contiguous steep slopes, erodible soils and hydric soils "whose development or disturbance may impact streams, wetland or other aquatic environments." The buffer expansion calculated as per Cecil County Zoning Ordinance is consistent with the recently enacted Critical Area buffer regulations (COMAR 27.01.09.01). Steep slopes buffer expansion was completed by calculating the slope across 100 ft. transects (50 ft on each side of the base buffer) perpendicular to the slope (see Final Environmental Assessment Plan, Appendix A). The slope across transects were then multiplied by 4 ft. for every 1% of slope and added to the base buffer. In instances where slopes greater than 15% extend beyond the buffer expansion calculation, the buffer was expanded to the top of the slope.

As discussed above, the buffer has not been expanded based on site soils. Based on updated USDA soils mapping, approximately 24% of the site contains soils mapped as highly erodible (K-factor >0.35) and the majority of these soils are in areas with slopes less than 5%. A soil erodibility analysis determined that onsite soils have K-factors less than the 0.35 threshold (see Soil Erodibility Investigation, Appendix B). Onsite hydric soils are restricted to tidal and nontidal wetland areas. As a result the buffer has been

expanded for steep slopes only. Approximately ± 29.67 acres (39%) of the ± 76.326 acre site lies within the Critical Area buffer.

Rare, Threatened, or Endangered Species

CNA, Inc. requested a search from the Maryland Department of Natural Resources (DNR) Wildlife and Heritage Service Division in 2008 and an updated search in 2010 (see DNR letters, Appendix B). The searches identified that the upper portion of Plum Creek is considered Natural Heritage Area because of historical record of the presence of two state listed plant species. Both *Sagittaria calycina* (Spongy Lophotocarpus), a state listed rare plant, and *Limosella australis* (Mudwort), a state-listed endangered plant species. Plum Creek is also identified as a Wetland of Special State Concern. DNR previously identified the presence of a bald eagle nest in the vicinity of the subject site. Based on site visits and observations made by CNA, Inc. in 2008, one active bald eagle nest site and one abandoned bald eagle nest site were identified in the vicinity of the project site.

CNA, Inc. has completed a survey per DNR protocol for both *Sagittaria calycina* and *Limosella australis* (see RTE Study, Appendix B). Both species inhabit tidal marshes/mudflats, and neither was identified during the survey. Although there is a small amount marginal habitat along the property perimeter and offsite in adjacent marshes, no activity is proposed in any areas of marginal habitat.

As required by Section 197 of the Cecil County Zoning Ordinance the eagle nest location and protection radii are shown as shown on the Preliminary Environmental Inventory Plan are based on coordinates provided by David Brinker of DNR. Both CNA, Inc. and DNR verified the occupation of the active nest site during the spring of 2008.

Riparian Forest/Interior Dwelling Bird Habitat (FIDS)

DNR has not sited the potential for FIDS habitat onsite, and discussions with Critical Area staff have indicated the FIDS habitat is not present onsite, but may present on the adjacent site to the north. However, the adjacent site to the north is currently being developed.

Other Special Protection Areas

No other habitat protection areas, including Colonial Waterbird Nesting Sites, Historic Waterfowl Staging Areas, or Anadromous Fish Propagation Waters are known to exist nearby or onsite.

PROPOSED CONDITIONS

Proposed Development Plan

The proposed use is a residential development consisting of 18 single-family dwelling units (du) serviced by private well and septic systems. Part of the existing

marina facilities are proposed to be repaired/replaced in-kind for use by individual residents. Cecil County Zoning Ordinance Section 198.2.a.2 permits 15 noncommercial boat slips. As a result fifteen slips, the existing boat ramp and boat lift will be repaired for use by development residents. The developer has received the MDE authorization, and a copy is enclosed in Appendix B.

The former MB zone portion of the subject site was rezoned in July 2010 to SR to allow single-family homes. Project density calculations are based on the property area as surveyed by CNA, Inc. in 2008. Overall project density will be 0.24 du/acre, which is much less than the current allowable density. Within the IDA zone, 16 du's are proposed for a density of 0.57 du/acre. Within the RCA zone, 2 du's are proposed yielding a density of 0.04 du/acre. CNA, Inc. and the developer have met with Cecil County Planning & Zoning, Cecil County DPW, Cecil County Environmental Health, MDE, and ACOE regarding permit and design requirements. As referenced above, repairs to the existing marina facilities will be completed in accordance with MDE permit no. 200761007/07-GL-1161 and Section 198 of the Cecil County Zoning Ordinance. The developer is currently working with contractors to determine which slips to repair.

Proposed Environmental Impacts & Mitigation

The proposed community is presented with environmental constraints considered. The developer has already taken significant efforts to clean up the site through removal of debris and old boats from the marina area. With exception of the MDE permit for bulkhead repair no wetland or stream disturbance is proposed. The developer proposes a low-density single family home development. The majority of the homes will be in the IDA designation area and all will be concentrated in the center of the peninsula as far from sensitive areas as possible. No development is proposed near the Natural Heritage Area and Wetland of Special State Concern, and no impact to any potential rare plant species habitat will occur. The proposed development will also be compliant appropriate eagle protection criteria. A significant amount of the site is protected through the establishment of the expanded Critical Area buffer and the project will comply with all buffer management regulations.

As proposed, total post-construction impervious area will be 4.33 acres \pm (3.45 acres \pm in IDA, see Appendix C). Within the project limit of disturbance, a total of 200 trees having a DBH greater than or equal 12-inches were identified and located. All trees are shown on sheet 2 of the Final Environmental Assessment. Forested RCA area is approximately 38 acres. Proposed RCA forest clearing is 1.38 acres (3.61%). As a result proposed reforestation will be required at a ratio of 1:1. All reforestation is proposed onsite (see Landscape Plan, Appendix A)

Buffer Management Plan

In accordance with COMAR 27.01.09.01-1, new subdivisions in the Critical Area require full buffer establishment. As state above, 29.67 acres \pm of the subject site lies within the buffer. Of this area, 25.46 acres \pm is fully established in structurally-diverse

forest and/or wetland vegetation. As a result, no plantings will be required for buffer establishment in these areas (see Final Buffer Management Plan, Appendix A). There are 0.80 acres of buffer area that contain mature overstory trees but lack understory and shrub layers due to property maintenance near the existing marina facilities. Understory and shrub plantings and natural regeneration are proposed to enhance these areas. There are also 3.02 acres \pm of buffer that is currently open grass and gravel areas most of which provides access to the marina facilities. To maintain access to boat slips and the boat ramp and boat lift 0.90 acres \pm will be maintained in grass and gravel; however no new lawn or turf areas are proposed. The remaining 2.12 acres \pm is proposed for multi-species planting and natural regeneration to establish more diverse vegetative cover. There is also 0.40 acre portion of buffer in the excavated pit area which contains standing water. This is included as part of Natural Regeneration Area 'C.' As underlying soils consist of dense clay, this area would benefit most from natural plant growth, and could develop wetland conditions in the future.

10 % Pollutant Reduction

Introduction

Elk Point Marina, L.L.C. proposes to develop the Elk Point Marina project site. Since a 28.00 acre portion of the site designated as IDA compliance with the 10% Pollutant Reduction Rule will be required to demonstrate that the current layout is feasible. Although the project is a redevelopment of an existing marina as a residential subdivision, the existing impervious cover of 12.83% requires that the 10% Calculations be completed as new development.

Methods

The enclosed worksheets (see Appendix C) were completed as per Maryland Chesapeake and Coastal Bays Critical Area 10 % Rule Guidance Manual (Fall 2003) to demonstrate proposed project compliance with the 10% Reduction of Pre-Development Pollutant Loadings.

Results/Compliance

Based on pre- and post-development loading calculations the required removal for the Elk Point Marina project is $-1.56 \text{ lbs P yr}^{-1}$, which is due in part to the low-intensity of the proposed land use. Although compliance with the 10% Rule is possible without additional water quality treatment, runoff from most impervious areas will still be treated to comply with Maryland stormwater management requirements. Worksheet A details the calculations for the pollutant loading, removal requirements, proposed BMP's, and associated drainage areas that lie within the Critical Areas IDA designation area.

Three structural water quality BMP's are proposed within the IDA area (see Concept Best Management Practices Exhibit, Appendix A). The water quality facilities are designed in accordance with the current MDE Stormwater Management Regulations.

A rooftop disconnect is also proposed for one lot. A series of bio-swales will treat 3.51 acres \pm of site area including runoff from the proposed road. The swales are designed with an underdrain which is similar to a dry swale design (see Preliminary Plat, Appendix A). The swales are anticipated to treat 0.90 lbs P yr⁻¹. In addition, a gravel wetland and micro-bioretenention facility are proposed. The gravel wetland is similar in design to bioretention facility. Combined drainage area to the both facilities will be of 2.21 acres \pm area also proposed to treat runoff from the proposed marina parking and drive as well as 3 lots. Total water quality treatment by both facilities will remove 0.43 lbs P yr⁻¹. Total resultant pollutant removal for the proposed IDA BMP's is 1.34 lbs P yr⁻¹ which is in addition to the calculated decrease of 2.96 lbs P yr⁻¹ resulting from site development.

Conclusion

Critical Areas 10% Pollutant Reduction for the proposed project will meet the compliance requirements without the treatment of proposed impervious area within Critical Area IDA area. However, based on preliminary design, the Elk Point Marina project will comply with the Critical Area 10 % Rule.

Rare, Threatened, & Endangered Plant Species Survey

ELK POINT MARINA

Elkton, Cecil County, Maryland

Prepared for:

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September 2007

Introduction

CNA, Inc. is working on a project known as Elk Point Marina in Elkton, Cecil County, Maryland. The project is located at Elk Point Drive on Oldfield Point Road (see ADC location map). The site is bordered by Plum Creek on the south, Muddy Creek on the north, and Elk River on the east. The project site is within the Chesapeake Bay and Atlantic Coastal Bays Critical Areas. As part of the Critical Areas Commission (CAC) Environmental Assessment, Rare, Threatened or Endangered (RTE) species and/or potential habitat must be documented. The purpose of this report is to document the investigation for such plant species.

As stated in the Code of Maryland Regulations (COMAR) 27.01.09.03-04, the CAC requires local jurisdictions to protect RTE's under the provision of their Critical Area Programs. The Cecil County Critical Program requires coordination with the Maryland Department of Natural Resources (MD-DNR) Wildlife and Heritage Service (Cecil County Critical Area Program Section 9-3-3).

Background Information

Elk Point Marina consists of one parcel totaling ± 76.95 acres. The subject site is bordered on the west by Oldfield Point Road, on the north by Muddy Creek, on the East by Elk River, and on the south by Plum Creek. All three of which are tidal (see USGS topographic map). The southeast half of the project site was formerly a marina (see Aerial Photograph). The project site is entirely within the Critical Areas and is zoned as Resource Conservation Area (RCA) on the northwest side and Intensely Developed Area (IDA) in the vicinity of the marina facilities.

In June 2007 CNA, Inc. submitted a request to MD-DNR to review the project site for the potential presence of RTE's. In July 2007 MD-DNR responded with a letter stating that two RTE plant species are known to occur in the area. As a result CNA, Inc. has conducted an investigation as per MD-DNR rare plant survey protocol for the RTE's and/or potential habitat that may support them. The cited species were Spongy Lophotocarpus (*Sagittaria calycina*) and Mudwort (*Limosella australis*). *Sagittaria* is a state-listed rare species and *Limosella* is a state-listed endangered species, and the presence of both has been documented within or nearby to Natural Heritage Area #15 (MD-DNR GIS data, see Rare Plant Species Investigation plan).

Both plant species are known to inhabit similar ecological niches. Both occur in relatively fresh tidal waters within the mid to low intertidal zone (Maine Department of Conservation, MDC)). Both are also known to inhabit open mudflats and sparsely vegetated tidal freshwater marshes (MDC). *Limosella* is a member of the *Scrophulariaceae* (Snapdragon) family. It is the only member of its genus and is a small, colonial, emergent herb that flowers from August to September. Plants have clustered, linear shaped leaves and very small solitary white flowers (Block and Rhodes).

Sagittaria is a member of the *Alismataceae* (Water-plantain) family. *Sagittaria calycina* generally has two leaf shapes, although leaf shape can be varied. It is distinguished from other members of the *Sagittaria* genus by appressed sepals when in fruit and more robust pedicels (3-5

mm in diameter). *Sagittaria calycina* flowers between July and early September (Block and Rhodes).

Survey Information

All fieldwork was conducted by Jason Traband, WPIT of CNA, Inc. Mr. Traband has a Bachelor of Science in biology with an ecology concentration from Towson University and a Master of Science from the Marine, Estuarine, Environmental Sciences program at University of Maryland.

A preliminary investigation of habitat types was conducted during the months of June and July 2007. During this time, formal wetlands delineation was conducted. This delineation entailed identification of waters of the U.S., including both tidal and nontidal wetlands. The resultant base map is shown on the Rare Plant Species Investigation plan. This wetland base map was then utilized to identify specific areas to investigate for potential presence of RTE's and/or potentially suitable habitat.

The fieldwork for the RTE study was conducted August 28, 2007 between the hours of 9 a.m. and 4 p.m. Predicted high tide for this date was approximately 10:00 a.m. and predicted low tide for this date was approximately 5:00 p.m. Winds were relatively calm on the day of and several days preceding the investigation. Consequently, the investigation was conducted on falling tide and on a day with minimal risk of high meteorological tide levels to maximize intertidal zone exposure. Plots (36ft.²) were taken to identify determine species composition, approximate aerial coverage of each species, substrate/soil type, and hydrologic regime.

Results

Both *Limosella* and *Sagittaria* are known to have occurred within the Natural Heritage Area. However, given direct connection to the downstream area of Plum Creek and proximity to both the Elk River and Muddy Creek, all tidal areas on and immediately adjacent to the project site were surveyed. Additionally, other onsite areas of emergent/sparsely forested nontidal wet areas were investigated. One of these areas is located at the north end of the project site on Muddy Creek (see Plot #1 and Photo #1). Beavers have dammed the creek preventing tidal intrusion, but a low marsh condition has resulted around the fringes of this nontidal wetland. No *Limosella* or *Sagittaria* species were observed within this area. Since this pond is nontidal but permanently flooded and experiences frequent disturbance from beaver activity, this habitat is unlikely to support either species. Other onsite nontidal wetland areas were forested, contained dense stands of *Phragmites australis*, and/or did not have the appropriate hydrology to support either RTE species.

Another area is the excavated borrow pit located on the south central side of the subject site (see Plot #5 and Photo #5). This area contains standing water but is obviously anthropogenic in nature and has no direct connection with the nearby tidal wetlands. Soils within this area are very tight clays with limited vegetation presence except for a few prolific facultative or wetter species. No *Limosella* or *Sagittaria* species were observed within this area either. Given the

soils present and lack of direct surficial connection to tidal waters, the borrow pit area is also unlikely to support either species.

With respect to tidal areas, the approximately 70% of subject site is bordered by tidal open waters of the U.S. or wetlands. This entire perimeter area was walked during the RTE investigation. In all seven plots were taken within tidal areas. No *Limosella* or *Sagittaria calycina* specimens were identified during either the site walk or within the specified plots.

Based on visual observations, aerial photography, and plots, onsite and adjacent tidal marsh areas have been characterized by potential habitat for the two RTE species. The green areas as shown on the Rare Plant Species Investigation plan indicate marginal habitat area (see Plots #2, 6, 7, & 9 and Photos #2, 6, 7, & 9). These areas were characterized by a diversity tidal freshwater marsh species and were generally densely vegetated by species, such as *Impatiens capensis*, *Sagittaria latifolia*, *Schoenoplectus fluviatilis*, *Typha* (ssp), *Polygonum* (ssp), and *Zizania aquatica*. Density of persistent species was generally high making the suitability as potential habitat marginal for these areas. Also found within the green areas is an area of lower density vegetation, but the substrate within this area consisted of more sand and gravel than fine mud (see Plot #8 and Photo #8). Measurement of pedicels of *Sagittaria* specimens within these areas all yielded diameters 1.5-2.5 mm. in indicating species other than *Sagittaria calycina*. The blue hatched areas identify the marginal habitat that is located on the subject site. Total onsite marginal habitat area is $\pm 13,356 \text{ ft}^2$ (0.31 acres).

The red hatched areas on the Rare Plant Species Investigation plan consist of dense monotypic stands of *Phragmites australis* (see Plot #4 and Photo #4). Consequently, these areas were considered unsuitable to the either *Limosella* or *Sagittaria calycina*. The yellow hatched areas on the Rare Plant Species Investigation plan indicate areas where the substrate is rocky to sandy. The yellow hatched area along the existing docks has concrete rubble revetment along the shoreline (see Plot #3 and Photo #3). Although emergent vegetation is present within the revetment, the degree of previous disturbance and the sharp transition to deeper water makes this area unlikely as RTE habitat.

Summary

A rare, threatened, and endangered species study was conducted on and immediately adjacent to the Elk Point Marina project site for *Limosella australis* and *Sagittaria calycina*. No populations or specimens of either species were identified. Marginally suitable habitat was identified adjacent to the project site. Marginally suitable habitat totaling $\pm 13,356 \text{ ft}^2$ (0.31 acres) was identified on the project site. Given the location of this habitat in relation of other resources and constraints (i.e., wetlands, forest, eagle nesting sites, steep slopes, etc), no impact to these areas will occur as a result of the development of the project site.

Citations

Maine Department of Conservation Natural Areas Program

http://www.mainenaturalareas.org/docs/rare_plants/factsheets.php

Rhoads, Anne Fowler and Timothy A. Block, *The Plants of Pennsylvania: An Illustrated Manual*, Second Edition, University of Pennsylvania Press, Philadelphia, Pennsylvania, 2007.

President Brian L. Lockhart, District 3
Vice President Rebecca J. Demmler, District 2
Commissioner James T. Mullin, District 1
Commissioner Wayne L. Tome, Sr., District 4
Commissioner Robert J. Hodge, District 5



10-04
on going
Alfred C. Wein, Jr.
County Administrator

Board of County Commissioners
410.996.5201

County Information
410.996.5200
410.658.4041

CECIL COUNTY GOVERNMENT

County Commissioners' Office

200 Chesapeake Boulevard, Suite 2100, Elkton, MD 21921

July 10, 2010

Mike Novak
8629 Philadelphia Road
Baltimore, MD 21237

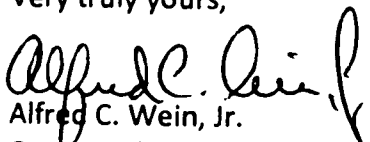
Re: File No. 2010-03 Elk Point, LLC.

Dear Mr. Novak:

Following the public hearing on July 20, 2010 the Board voted to approve the application to rezone 27.995 acres from Maritime Business, (MB) to Suburban Residential, (SR) located at Elk Point Drive, Elkton, MD 21921.

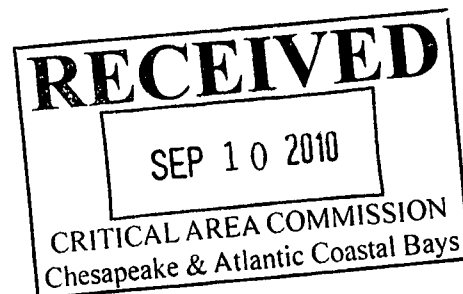
For further information, I am enclosing a copy of the decision for your review.

Very truly yours,


Alfred C. Wein, Jr.
County Administrator

Enc:

Cc: Eric Sennstrom, Director, PZP&R



ELK POINT, LLC REZONING DECISION

This is an application received from Elk Point, LLC to rezone 27.995 acres of land located at Elk Point Drive, Elkton, Maryland 21921, in the Third Election District of Cecil County from Maritime Business (MB) to Suburban Residential (SR), based upon a substantial change in the character of the neighborhood since the 1993 Comprehensive Rezoning and upon a mistake in the 1993 Comprehensive Rezoning.

John Gessner, Esquire, appeared on behalf of the Applicant to present the application and indicated that rezoning of a portion of the property, which consists of 27.995 acres, from Maritime Business (MB) to Suburban Residential (SR) was being sought on the basis of a substantial change in the character of the neighborhood since the 1993 Comprehensive Rezoning and upon a mistake in the 1993 Comprehensive Rezoning. Mr. Gessner detailed the reasons for which he felt that a rezoning was justified. He stated that the proposed development was for eighteen (18) single family detached dwellings, which are not permitted in the Maritime Business (MB) zoning, but would be permitted in the Suburban Residential (SR). Mr. Gessner stated that the property has aspects that affect its development and use, including the fact that it is located in the Chesapeake Bay critical area and that the property has steeply sloped areas. Mr. Gessner stated further that the property is in complete disrepair and that it is not a functioning marina; therefore, as the marina is not functioning and has not been in continuous use as a marina, the property can no longer be used as a marina. Further, as the property is in the Chesapeake Bay critical area, Maryland Department of the Environment will not permit dredging of the site to restore its functional use as a marina. Mr. Gessner stated that the parcel consisted of 76.953 acres, of which 27.995 acres is zoned Maritime Business (MB) and 48.331 acres are zoned Suburban Residential (SR). He stated further that purpose of the MB zoning can no longer be satisfied as the property can no longer be used as a marina. However, rezoning of the 27.995

MB acres to SR would eliminate the split zoning of the property and make those acres useable again. Mr. Gessner stated that the rezoning of the property, under the Cecil County Zoning Ordinance, would reduce the number of boat slips from fifty (50) to fifteen (15).

No one testified in favor or against the rezoning of the property.

Eric Sennstrom testified that the Department of Planning and Zoning and the Planning Commission recommended approval based upon a significant change in the character of the neighborhood. Mr. Houston testified as to the neighborhood; change in the area; population change; availability of public facilities; present and future traffic patterns; and the compatibility of the requested rezoning with existing and proposed development in the area and with the intent of the Comprehensive Plan, and that the property is located within the Chesapeake Bay Critical Area.

Commissioner Hodge made a motion to approve the application based upon a substantial change in the character of the neighborhood since the 1993 Comprehensive Rezoning, which was seconded by Commissioner Tome. All of the commissioners voted in favor to approve the application.

The Board makes the following findings of fact based upon the evidence:

1. The neighborhood is an area within a one-half (1/2) mile radius of the subject parcel. The area is bordered by the Elk River to the East, residential development to the South, Cecil County Airport to the West, and residential development to the North.
2. There have been no changes in the area since the 1993 Comprehensive Rezoning.
3. There has been a population increase in the area of approximately 37.2%.
4. Public water and sewer are not available to the site.
5. Access would be from Oldfield Point Road subject to Planning Commission approval at the time of subdivision submission.

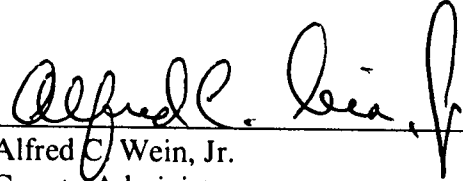
6. The requested rezoning should be compatible with existing and proposed development in the area.


7. The property is located in the Low Density Growth Area of the 2010 Comprehensive Plan. The Low Growth Areas provide a transition between more densely developed areas and rural areas.

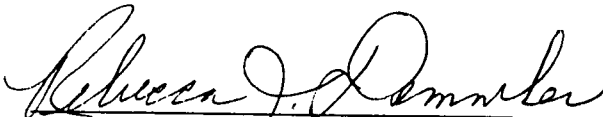
8. The property is located within the Chesapeake Bay Critical Area. Critical Area regulations would be applied during the land development process.

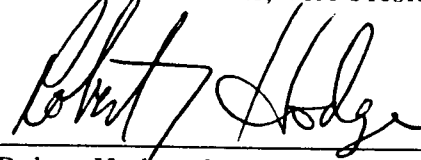
The Board further finds that there has been a demonstrated substantial change in the character of the neighborhood. Therefore, in accordance with the above findings of fact, we hereby approve the requested rezoning from Maritime Business (MB) to Suburban Residential (SR).

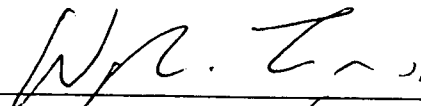
ATTEST:


Alfred C. Wein, Jr.
County Administrator


Brian Lockhart, President


Rebecca J. Demmler, Vice-President


Robert Hodge, Commissioner


Wayne L. Tome, Commissioner

8-10-10
DATE


Jim Mullin, Commissioner

CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Cecil

Date: 5/17/10

Tax Map #	Parcel #	Block #	Lot #	Section
37	3	5	N/A	N/A

Tax ID: 03-002071

FOR RESUBMITTAL ONLY

Corrections ☐
Redesign ☐
No Change ☐
Non-Critical Area ☐

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) Elk Point, LLC

Project location/Address Elk Point Drive

City Elkton Zip 21921

Local case number 2010-03

Applicant: Last name Novak First name Mike

Company Elk Point, LLC

Application Type (check all that apply):

Building Permit ☐
Buffer Management Plan ☐
Conditional Use ☐
Consistency Report ☐
Disturbance > 5,000 sq ft ☐
Grading Permit ☐

Variance ☐
Rezoning ☒
Site Plan ☐
Special Exception ☐
Subdivision ☐
Other ☐

Local Jurisdiction Contact Information:

Last name Johnson First name Joseph

Phone # 410-996-5225 Response from Commission Required By 6-9-10

Fax # 410-996-5305 Hearing date 6-21-10

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Marina located on MB zoned portion of property has gone out of business, adequate for proposed single family homes. See paperwork attached.

Intra-Family Transfer ☐ Yes
Grandfathered Lot ☐

Growth Allocation ☐ Yes
Buffer Exemption Area ☐

Project Type (check all that apply)

Commercial ☐
Consistency Report ☐
Industrial ☐
Institutional ☐
Mixed Use ☐
Other ☐

Recreational ☐
Redevelopment ☐
Residential ☒
Shore Erosion Control ☐
Water-Dependent Facility ☐

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	27.995 +/-	
LDA Area		
RCA Area		
Total Area		

Total Disturbed Area

Acres	Sq Ft
27.995 +/-	

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Impervious Surface		
Created Forest/Woodland/Trees			New Impervious Surface		
Removed Forest/Woodland/Trees			Removed Impervious Surface		
			Total Impervious Surface		

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type
Buffer ☐
Forest Clearing ☐
HPA Impact ☐
Impervious Surface ☐
Expanded Buffer ☐
Nontidal Wetlands ☐
Setback ☐
Steep Slopes ☐
Other ☐

Structure
Acc. Structure Addition ☐
Barn ☐
Deck ☐
Dwelling ☐
Dwelling Addition ☐
Garage ☐
Gazebo ☐
Patio ☐
Pool ☐
Shed ☐
Other ☐

REZONING APPLICATION

DATE FILED 5/14/10

PC MTG

AMT. PD

COM. MTG

ACCEPTED BY

FILE NO

June 21, 2010July 6, 2010at 2:00p.m.2010-03

APPLICANT INFORMATION

OWNER

REPRESENTATIVE

Elk Point, LLC

a.k.a. Mike Novak

CNA, INC.

CK # 13330

APPLICANT NAME - please print clearly (additional names can be listed on page 2)

PHONE NUMBER

8629 Philadelphia Road
ADDRESSBaltimore
CITY

MD

STATE

21237-3020

ZIP CODE

PROPERTY INFORMATION

CRITICAL AREA?

☒ X

YES

☐ NO

Elk Point Drive

76.953 acres

SUBJECT PROPERTY ADDRESS

SIZE OF PROPERTY

03

002071

37

5

3

ELEC. DISTRICT

ACCOUNT#

TAX MAP#

BLOCK

PARCEL

PRESENT ZONING: SR/MB

REQUESTED ZONING MB zoned portion zoned SR

PRESENT LAND

USE DESIGNATION Low Density Growth Area

REQUESTED LAND

USE DESIGNATION N/A

PRESENT USE OF PROPERTY vacant,

PROPOSED USE OF PROPERTY single family detached

abandoned marina

residential subdivision - 18 lots total

PREVIOUS ZONING CHANGE? ☐ YES ☒ X NO If yes, explain:

TIME SCHEDULE FOR PROPOSED DEVELOPMENT: Completion approximately August 2011.

REASON FOR REZONING REQUEST

MISTAKE IN THE COMPREHENSIVE REZONING OF JULY 1, 1993?

☒ X

YES

☐ NO

IF YES, PLEASE EXPLAIN: Marina located on MB zoned portion of property has gone out of business, no longer any need for MB zoning recent, soil tests confirm adequate septic reserve areas exist for proposed single family homes

SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD?

☒ X

YES

☐ NO

IF YES, PLEASE EXPLAIN Increase in population in Cecil County, change in Comprehensive Plan designation, BRAC process has increased need for residential lots

MISTAKE IN CHESAPEAKE BAY CRITICAL AREA LAND USE DESIGNATION OF JULY 5, 1988?

☐ YES☐ NO

IF YES, PLEASE EXPLAIN

ADDITIONAL COMMENTS (attached sheet if necessary): The requested SR zoning is consistent with the 2010 Comprehensive Plan and surrounding SR zoning. SR zoning would allow needed residential lots to be developed and eliminate split zoning of property.

EXPLAIN ANY PROBLEM AREAS AND PROPOSALS TO CORRECT THOSE AREAS

LIST THE NAME AND ADDRESSES OF ADDITIONAL APPLICANTS

APPLICANT NAME (please print clearly) ADDRESS

APPLICANT NAME ADDRESS

APPLICANT NAME ADDRESS

LIST THE NAME AND ADDRESSES OF ALL PROPERTY OWNERS

Elk Point, LLC 8629 Philadelphia Road, Baltimore, MD 21237-3020
OWNER NAME (please print clearly) ADDRESS

OWNER NAME ADDRESS

OWNER NAME ADDRESS

OWNER NAME ADDRESS

CERTIFICATION - SIGNATURES

I/We certify that the information and exhibits submitted are true and correct to the best of my/our knowledge and belief.

APPLICANT(S):

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S): Elk Point, LLC

MIKE NOVAK [Signature] 5/14/10
PRINT NAME Managing Member SIGNATURE DATE

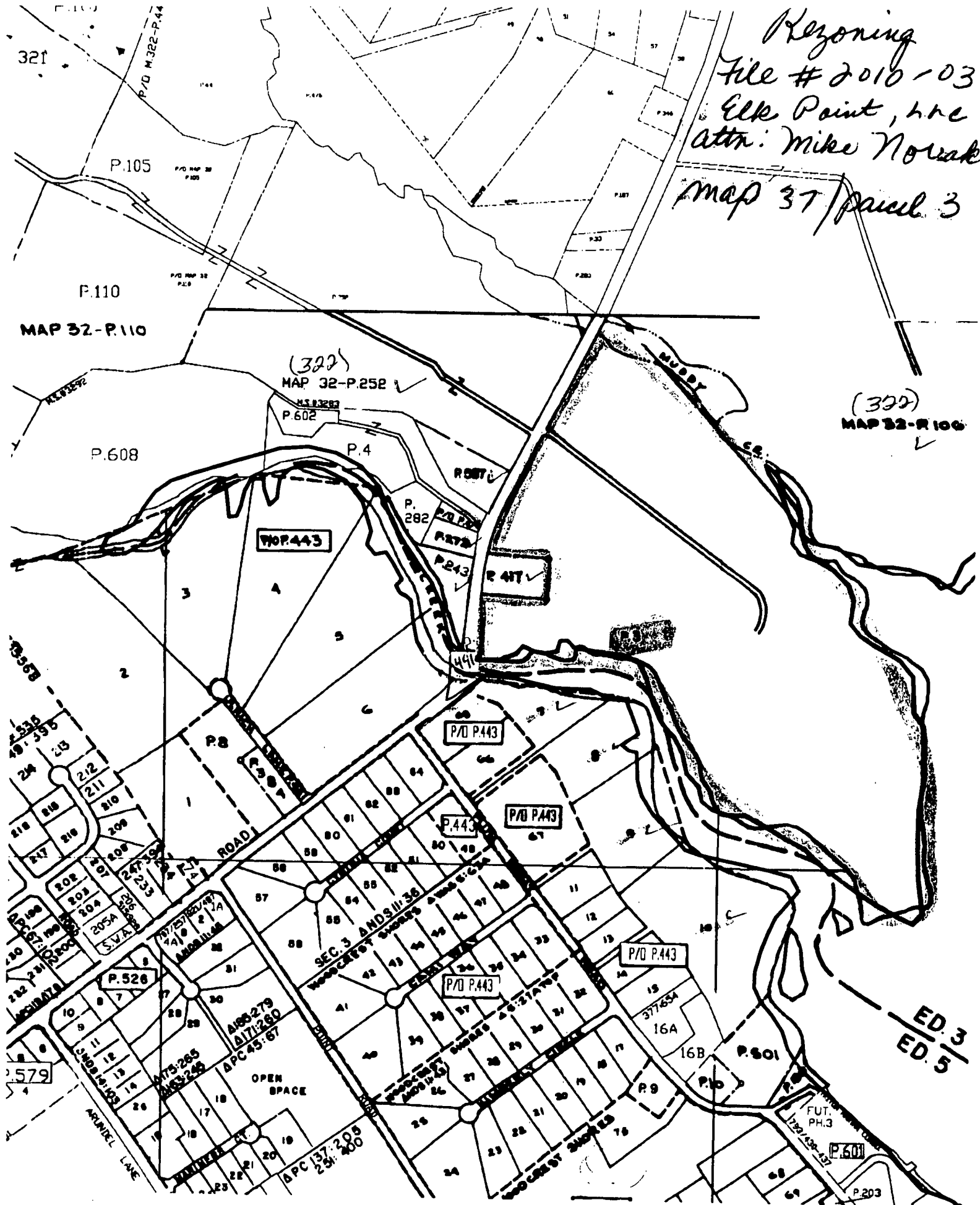
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

Submitted to CNA, Inc.
215 Bynona Rd. Forest Hill, MD 21050

Rezoning
File # 2010-03
Elk Point, h.c
attn: Mike Novak
map 37 / parcel 3



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

February 4, 2008

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

Re: Elk Point Marina, Concept Plat
March 2008 Technical Advisory Committee

Dear Mr. DiGiacomo:

27
Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing a 52-lot subdivision on a 75.62 acre parcel. Currently, 27.96 acres are designated as Intense Development Area (IDA) on which 41 of the lots are proposed. The remaining 47.65 acres are currently designated as Resource Conservation Area (RCA). The applicant is proposing the use of growth allocation to change the designation of 15.53 acres from RCA to Limited Development Area (LDA) in order to accommodate the remaining 11 lots. I have reviewed the plat and draft TAC comments and offer the following comments:

Conceptual Site Plan

1. Proposed Development Envelope – The Critical Area Commission Policy for the Counting of Growth Allocation (Adopted February 1993, Amended October 1995) requires jurisdictions to deduct the acreage of an entire parcel proposed for growth allocation, unless the development envelope concept is used. The development envelope, such as the one proposed, must include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. If the development envelope concept is used, only one development envelope shall be established per parcel of land and a minimum of 20 acres must remain as RCA lands.
2. Community Sewer System - The proposal calls for a share community sewer system to be located in the remaining RCA portion of the property that will support development in

the IDA and proposed LDA. Community facilities that support development outside the RCA, such as the shared community sewer system, cannot be proposed in the boundary of the RCA as they are facilities necessary to support a dwelling unit and would impact the density calculations. Further, the Critical Area Commission's policy for the deduction of growth allocation as described above requires that on-site sewage disposal methods be included in the growth allocation area. Therefore, in order to proceed as proposed, the entire area of the shared community sewer system will need to be included in the growth allocation request.

3. 300-foot Setback – One of the locational guidelines that jurisdictions are required to apply when submitting a growth allocation request, is the provision of a 300-foot setback from the landward edge of tidal wetlands or tidal waters when converting RCA to LDA or IDA. Given the extensive sensitive features of this site, the applicant should address why this 300-foot setback is not included in the proposed concept plan.
4. 110-foot Tributary Stream Buffer – The draft TAC comments should be revised to indicate a 110-foot Buffer is required for all tributary streams, which includes both perennial and intermittent streams.
5. Expanded 110-foot Buffer – Per Section 196 of the Cecil County Zoning Ordinance, the 110-foot Buffer to tidal waters, tidal wetlands, and tributary streams, must be expanded to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils.
 - a. Steep Slopes – The Buffer is not expanded correctly for steep slopes around the entire property. The Buffer is to be expanded four (4) feet for every one (1) percent of slope, or to the top of the slope, **whichever is greater in extent**. For example, in the vicinity of lots 46-48, the average slope is approximately 25%. Therefore the Buffer expansion is $25 \times 4 = 100$ feet beyond the 110-foot Buffer, for a total of 210-feet.
 - b. Soils - The concept plat should indicate soil type in order to demonstrate whether further expansion of the Buffer is required for hydric soils or for highly erodible soils. Expansion of the Buffer for these resources shall be to the upland limit per Section 196.2.c of the Zoning Ordinance.
6. Natural Heritage Areas – Plum Creek is both a designated Natural Heritage Area and a Wetland of Special State Concern. In order to address both the County Growth Allocation Scoring System, the Critical Area Commission Criteria and Law regarding growth allocation, and COMAR 27.01.09.03 & .04 regarding threatened and endangered species and plant and wildlife habitat, the applicant must protect these resources. Therefore, the applicant must contact the DNR Division of Wildlife and Heritage and solicit a detailed review of their Concept Plat. Any recommendations made by Wildlife and Heritage, which may include site surveys, incorporation of BMPs, and site design considerations, must be addressed and incorporated. In addition, the applicant must contact the Maryland Department of the Environment since the site supports a Wetland of Special State Concern. These contacts should be made as soon as possible.

7. Shoreline Erosion Control – The application indicates shoreline erosion control measures will be installed at this site. The applicant should contact MDE Tidal Wetlands Division to determine the type of replacement structure that may be allowed.
8. Community Marina – The concept plan states approximately 70 private slips will be provided as part of the subdivision. Information included in our files state the old commercial marina provided 50 boat slips. If the applicant is proposing a community facility for the residents of the subdivision, the number of slips is determined by Section 198 of the Cecil County Zoning Ordinance. Section 198 permits the lesser of one slip for each 50 feet of shoreline in the IDA and LDA or 30 slips for the 52 platted lots in the Critical Area. If the applicant is proposing a commercial marina, the number of allowable slips is determined by Maryland Department of the Environment.
9. Maryland Historic Trust – Application to the Critical Area Commission must also include a copy of a review letter by the Maryland Historic Trust.
10. Community Access – The concept growth allocation exhibit indicates community shoreline access will be provided. The applicant should review the Critical Area Commission's 'Public Walkways' Guidance Paper which is available on our website for site design guidelines.

looking to have 60-67 slips from MDE
-what does this do to this provision?
Existing non-conforming

Growth Allocation Process and Submittal

The Critical Area Law was amended in 2006 and requires that local jurisdictions use specific locational guidelines when locating new IDAs or LDAs and that the Commission ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the County's application of these guidelines must be provided as a part of the growth allocation request. These guidelines are provided below:

When locating new Intensely Developed or Limited Development Areas the County shall use these guidelines:

- (1) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area;
- (2) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area;
- (3) Locate a new Limited Development Area or an Intensely Developed Area in a manner that minimizes impacts to Habitat Protection Area as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;

Mr. Tony DiGiacomo

February 4, 2008

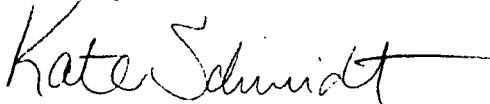
Page 4 of 4

- (4) Locate a new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
- (5) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of the County for such areas, shall be so designated on the County Zoning Map and shall constitute an amendment to this program subject to review and approval by the County Planning Commission, the County Commissioners and the Critical Area Commission
- (6) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;

Application made to the Critical Area Commission for approval of growth allocation should include a conceptual development plan and an environmental features map and report to determine whether the development standards of the proposed designation (LDA or IDA) can be achieved, including 10% pollutant reductions requirements and all habitat protection area standards. Finally, the submittal should include a revised Critical Area Map showing the area proposed to be changed that matches the requested number of acres proposed to be changed.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner
CE10-04

cc: Jason Traband, CNA
Lori Byrne, DNR
Reggie Graves, MDE

MB zone / IDA - townhomes not SFD

Package plant + groundwater discharge area (18 acres)

* no more than 10-ft above top of slopes - check on Tony's

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

September 15, 2008

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

**Re: Elk Point Marina, Concept Plat
September 2008 Technical Advisory Committee**

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing a 75-lot subdivision on a 76.326 acre parcel. Currently, 27.995 acres are designated as Intensely Development Area (IDA), on which 70 of the lots are proposed. The remaining 48.331 acres are currently designated as Resource Conservation Area (RCA). The applicant is proposing the use of growth allocation to change the designation of 23.25 acres from RCA to Limited Development Area (LDA) in order to accommodate the remaining 5 proposed lots and sewage disposal area.

Based on the information provided, it appears that several of the comments provided in our August 1, 2008 letter remain outstanding. This information will need to be addressed prior to preliminary subdivision approval, including the following:

1. It appears that the building envelopes of Lots 71, 72, and 75 are located in an area of slopes 15% or greater, which would thus require a variance in order to construct on each lot. In order for the Critical Area Commission to grant growth allocation, proposals must be designed in conformance with the Cecil County Critical Area Program as well as the Critical Area Law and Criteria, including the requirement that subdivisions be created so that any need for a variance is eliminated. Please have the applicant reconfigure these lots to be conforming in nature.
2. The applicant is required to establish a 300-foot setback for the newly created LDA unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the

resources. As mentioned in our August 1, 2008 letter, we *strongly* recommend the applicant provide a 300-foot Buffer onsite, or consider providing *several* additional offsets in conjunction with the proposed easement.

3. The applicant proposes to maintain an existing gravel parking lot that is within the 110-foot Buffer. When redevelopment of a property is proposed such as this, in which the applicant is proposing to convert a commercial use into a more intensive multi-family use with a significant increase in lot coverage, the Critical Area Criteria require the County and applicant to bring the parcel or lot into conformance with the existing law in so far as possible. As such, we question whether maintaining the existing gravel parking lot within the Buffer are consistent with the County Program as well as State Law and Criteria.
4. Taking comment #3 into account, and considering that the applicant is requesting growth allocation for a 23.25 of the parcel without providing a 300-foot setback, we recommend that the applicant remove the existing gravel parking lot. We acknowledge that the applicant has the right to shoreline access, and that the applicant requires reasonable means to access the proposed boat launch and slips. However, it appears that the applicant could provide perpendicular access to the boat launch while still restoring most of the existing parking area with native vegetation.
5. It is our understanding that the applicant proposes to use drip irrigation onsite to meet the goals of wastewater and sewage systems onsite. Prior to full submittal to the Critical Area Commission, the applicant will need to provide a copy of the MDE approval for drip irrigation for this site.
6. Due to the presence of Natural Heritage Areas, a bald eagle's nest, and Wetlands of Special State Concern onsite, a Habitat Protection Plan will be required for review and approval by this office. An updated review of the property from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) is also required. Any recommendations made by WHS must be addressed and incorporated into the Habitat Protection Plan.
7. Mitigation for forest clearing onsite shall be provided at a 1:1 ratio, provided it is less than 20% clearing.
8. The application indicates shoreline erosion control measures will be installed at this site. A copy of any approved MDE permit must be forwarded to this office with the growth allocation request.
9. The concept plan states approximately 70 private slips will be provided as part of the subdivision. Information included in our files state the old commercial marina provided 50 boat slips. If the applicant is proposing a community facility for the residents of the subdivision, the number of slips is determined by Section 198 of the Cecil County Zoning Ordinance. Section 198 permits the lesser of one slip for each 50 feet of shoreline in the IDA and LDA or 37 slips for the 75 platted lots in the Critical Area. If the applicant is

proposing a commercial marina, the number of allowable slips is determined by Maryland Department of the Environment.

10. The 110-foot and Expanded Buffer must be fully forested, as found in COMAR 27.01.09.01 and §196 of the Cecil County Zoning Ordinance.
11. The applicant should refer to our June 30, 2008 letter for a list of the growth allocation standards, factors that must be considered when reviewing growth allocation, and materials required to be submitted to Commission staff for review of a growth allocation project.
12. Please have the applicant forward to this office a copy of the MDE permit for repairs to the existing marina facility.
13. The applicant states that it is meeting the community sewer requirement for growth allocation. It does not appear that a community sewer is proposed, but rather a community wastewater treatment plant and drip irrigation site. Please have the applicant clarify how it meets this requirement.
14. The County Commissioners will be required to make findings of fact that state how the project is meeting both the standards and factors for consideration necessary to approve a growth allocation request. These findings must be included with the entire growth allocation submittal.

Additionally, we note that the applicant should refer to our August 28, 2008 letter for any changes required to the Conceptual Environmental Assessment Plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner

cc: Jason Traband, CNA
CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 28, 2008

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

**Re: Elk Point Marina
Conceptual Environmental Assessment Plan**

Dear Mr. DiGiacomo:

Thank you for providing information regarding the conceptual environmental assessment for the above-referenced growth allocation and subdivision request. The applicant is proposing a 75-lot subdivision on a 76.326 acre parcel. Currently, 27.995 acres are designated as Intense Development Area (IDA), on which 70 of the lots are proposed. The remaining 48.331 acres are currently designated as Resource Conservation Area (RCA). The applicant is proposing the use of growth allocation to change the designation of 23.25 acres from RCA to Limited Development Area (LDA) in order to accommodate the remaining 5 proposed lots and sewage disposal area.

Based on the information provided, and upon reviewing the draft environmental assessment with our Regional Program Chief, Kate Schmidt, we have the following comments on this project:

1. The applicant is required to establish a 300-foot setback for the newly created LDA unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources. As mentioned in our August 1, 2008 letter, we *strongly* recommend the applicant provide a 300-foot Buffer onsite, or consider providing several additional offsets in conjunction with the proposed easement.
2. The applicant proposes to place a marina and clubhouse parking within the 110-foot Buffer. No structures are allowed within the 110-foot Buffer unless they are water-dependent. The applicant must relocate these structures outside the Buffer.
3. The applicant shall include the following notes on the environmental assessment plan:

- a. Information stating that the 100-foot and Expanded Buffer will be fully forested in three-tier vegetation, as found in COMAR 27.01.09.01 and §196 of the Cecil County Code
 - b. Information addressing that the project will meet the Critical Area requirements for the protection of forest and developed woodlands in the LDA, as found in §200.6 of the Cecil County Code.
 - c. Information stating the how the project meets the guidelines of Maryland Department of Natural Resources Wildlife and Heritage Service and §197 of the Cecil County Code to protect the Natural Heritage Area onsite.
 - d. Information addressing the how the project meets the guidelines of Maryland Department of Natural Resources Wildlife and Heritage Service and §197 of the Cecil County Code to protect the bald eagle's nests that impact the site.
 - e. Information stating that the proposed development will comply with recommendation made by MDE regarding impacts associated with the Wetland of Special State Concern located onsite.
 - f. A reference to the Buffer Management Plan for this project, which will be required as part of a complete submission for the growth allocation request.
 - g. A reference to the 10% Phosphorus Reduction calculations found in the Environmental Assessment document.
4. Due to the presence of Natural Heritage Areas, a bald eagle's nest, and Wetlands of Special State Concern onsite, a Habitat Protection Plan will be required for review and approval by this office. An updated review of the property from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) and MDE is also required. Any recommendations made by WHS, MDE, and any other agency deemed appropriate by the County must be addressed and incorporated into the Habitat Protection Plan.
5. The environmental assessment plan must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Cecil County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that:
 - a) The approved development plan remains valid in accordance with Cecil County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Talbot County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

6. It appears that the Buffer has not been properly expanded for steep slopes. The applicant must expand for steep slopes from the edge of the 110-foot Buffer, as found in §196 of the Cecil County Zoning Ordinance. In reviewing the transect calculations provided, it appears that the Buffer was expanded from 100 feet, not 110 feet.
7. The applicant has delineated several areas onsite as "Potential Buffer Expansion Areas." These regions are areas of steep slopes that are contiguous to the 110-foot Buffer or expanded Buffer. Per §196 of the Cecil County Zoning Ordinance, the 110-foot Buffer to tidal waters, tidal wetlands, and tributary streams, must be expanded to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils. Therefore, the Buffer must be expanded for these areas.
8. Please revise all references of "Critical Areas" to "Critical Area."

Thank you for the opportunity to provide comments on this draft environmental assessment. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner

cc: Jason Traband, CNA
CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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August 1, 2008

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

**Re: Elk Point Marina, Concept Plat
August 2008 Technical Advisory Committee**

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing a 75-lot subdivision on a 76.326 acre parcel. Currently, 27.995 acres are designated as Intense Development Area (IDA), on which 70 of the lots are proposed. The remaining 48.331 acres are currently designated as Resource Conservation Area (RCA). The applicant is proposing the use of growth allocation to change the designation of 23.25 acres from RCA to Limited Development Area (LDA) in order to accommodate the remaining 5 proposed lots and sewage disposal area.

Based on the information provided, it appears that several of the comments provided in our June 30, 2008 letter have not been addressed in the current submittal, particularly the following:

1. It appears that the building envelopes of Lots 71, 72, and 75 are located in an area of slopes 15% or greater, which would thus require a variance in order to construct on each lot. In order for the Critical Area Commission to grant growth allocation, proposals must be designed in conformance with the Cecil County Critical Area Program as well as the Critical Area Law and Criteria, including the requirement that subdivisions be created so that any need for a variance is eliminated. Please have the applicant reconfigure these lots to be conforming in nature.
2. The applicant is required to establish a 300-foot setback for the newly created LDA unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources. It appears that the applicant is providing a Buffer Enhancement Easement on all lots that lie within 50 feet of the required expanded Buffer to "further Buffer sensitive

areas." Commission staff has significant concerns about whether this offset will provide greater benefits to water quality and habitat than a 300-foot Buffer. We strongly recommend the applicant provide a 300-foot Buffer onsite, or consider providing several additional offsets in conjunction with the proposed easement. For reference, attached to this letter is a copy of the August 6, 2008 Panel Report for Hatton's Garden, a growth allocation project within the Town of St. Michaels that is providing several environmental enhancements in lieu of a 300-foot Buffer.

3. The applicant proposes to place a marina and clubhouse parking within the 110-foot Buffer. No structures are allowed within the 110-foot Buffer unless they are water-dependent. The applicant must relocate these structures outside the Buffer.
4. The applicant has delineated several areas onsite as "Potential Buffer Expansion Areas." These regions are areas of steep slopes that are contiguous to the 110-foot Buffer or expanded Buffer. Per Section 196 of the Cecil County Zoning Ordinance, the 110-foot Buffer to tidal waters, tidal wetlands, and tributary streams, must be expanded to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils. Therefore, the Buffer must be expanded for these areas.
5. It is our understanding that the applicant proposes to use drip irrigation onsite to meet the goals of wastewater and sewage systems onsite. Prior to full submittal to the Critical Area Commission, the applicant will need to provide a copy of the MDE approval for drip irrigation for this site.
6. Due to the presence of Natural Heritage Areas, a bald eagle's nest, and Wetlands of Special State Concern onsite, a Habitat Protection Plan will be required for review and approval by this office. An updated review of the property from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) is also required. Any recommendations made by WHS must be addressed and incorporated into the Habitat Protection Plan.
7. Mitigation for forest clearing onsite shall be provided at a 1:1 ratio, provided it is less than 20% clearing.
8. The application indicates shoreline erosion control measures will be installed at this site. The applicant should contact MDE Tidal Wetlands Division to determine the type of replacement structure that may be allowed. A copy of any approved permit must be forwarded to this office.
9. The concept plan states approximately 70 private slips will be provided as part of the subdivision. Information included in our files state the old commercial marina provided 50 boat slips. If the applicant is proposing a community facility for the residents of the subdivision, the number of slips is determined by Section 198 of the Cecil County Zoning Ordinance. Section 198 permits the lesser of one slip for each 50 feet of shoreline in the IDA and LDA or 37 slips for the 75 platted lots in the Critical Area. If the applicant is proposing a commercial marina, the number of allowable slips is determined by Maryland Department of the Environment.
10. Conceptual 10% calculations should be provided at the Concept Plan stage to ensure that the applicant accounts for the necessary stormwater treatment measures through the design stage.

Furthermore, we have the following additional comments based on the information provided:

1. It appears that the Buffer has not been properly expanded for steep slopes. The applicant must expand for steep slopes from the edge of the 110-foot Buffer, as found in §196 of the Cecil County Zoning Ordinance. In reviewing the transect calculations provided, it appears that the Buffer was expanded from 100 feet, not 110 feet.
2. The 110-foot and Expanded Buffer must be fully forested, as found in COMAR 27.01.09.01 and §196 of the Cecil County Zoning Ordinance.
3. The applicant should refer to our June 30, 2008 letter for a list of the growth allocation standards, factors that must be considered when reviewing growth allocation, and materials required to be submitted to Commission staff for review of a growth allocation project.
4. Please have the applicant forward to this office a copy of the MDE permit for repairs to the existing marina facility.
5. The applicant states that it is meeting the community sewer requirement for growth allocation. It does not appear that a community sewer is proposed, but rather a community wastewater treatment plant and drip irrigation site. Please have the applicant clarify how it meets this requirement.
6. The County Commissioners will be required to make findings of fact that state how the project is meeting both the standards and factors for consideration necessary to approve a growth allocation request. These findings must be included with the entire growth allocation submittal.

Finally, we continue to note that the County is currently under sanction by the Critical Area Commission regarding the Habitat Protection Area provision of the Zoning Ordinance. Consequently, the Planning Commission may not approve any final subdivision plat in a Habitat Protection Area. Further, we may have additional comments to provide once the necessary changes to the Zoning Ordinance have been made.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner

cc: Jason Traband, CNA
CE 10-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
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June 30, 2008

Mr. Tony DiGiacomo
Cecil County Department of Planning and Zoning
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921

**Re: Elk Point Marina, Concept Plat
March 2008 Technical Advisory Committee**

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above-referenced subdivision. The applicant is proposing a 75-lot subdivision on a 76.326 acre parcel. Currently, 27.995 acres are designated as Intense Development Area (IDA), on which 70 of the lots are proposed. The remaining 48.331 acres are currently designated as Resource Conservation Area (RCA). The applicant is proposing the use of growth allocation to change the designation of 23.25 acres from RCA to Limited Development Area (LDA) in order to accommodate the remaining 5 proposed lots.

Based on the information provided, we have the following comments on this growth allocation and subdivision request:

1. It appears that the building envelopes of Lots 71, 72, and 75 are located in an area of slopes 15% or greater, which would thus require a variance in order to construct on each lot. Subdivisions must be created so that any need for a variance is eliminated. Please have the applicant reconfigure these lots to be conforming in nature.
2. The applicant is required to establish a 300-foot setback for the newly created LDA unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources. It appears that the applicant is providing a Buffer Enhancement Easement on all lots that lie within 50 feet of the required expanded Buffer to "further Buffer sensitive areas." Commission staff has significant concerns about whether this offset will provide greater benefits to water quality and habitat than a 300-foot Buffer. We strongly

recommend the applicant provide a 300-foot Buffer onsite, or consider providing several additional offsets in conjunction with the proposed easement.

3. The applicant proposes to place a marina and clubhouse parking within the 110-foot Buffer. No structures are allowed within the 110-foot Buffer unless they are water-dependent. The applicant must relocate these structures outside the Buffer.
4. The applicant has delineated several areas onsite as "Potential Buffer Expansion Areas." These regions are areas of steep slopes that are contiguous to the 110-foot Buffer or expanded Buffer. Per Section 196 of the Cecil County Zoning Ordinance, the 110-foot Buffer to tidal waters, tidal wetlands, and tributary streams, must be expanded to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils. Therefore, the Buffer must be expanded for these areas.
5. It is our understanding that the applicant proposes to use drip irrigation onsite to meet the goals of wastewater and sewage systems onsite. Prior to full submittal to the Critical Area Commission, the applicant will need to provide a copy of the MDE approval for drip irrigation for this site.
6. For future clarification, we recommend the applicant draw the "Growth Allocation Request Area" boundary on the amended concept plat.
7. The concept plat should indicate soil type in order to demonstrate whether further expansion of the Buffer is required for hydric soils or for highly erodible soils. Expansion of the Buffer for these resources shall be to the upland limit per Section 196.2.c of the Zoning Ordinance. If onsite soil testing was done to address the status of the highly erodible soils, this information must be provided to this office.
8. Due to the presence of Natural Heritage Areas, a bald eagle's nest, and Wetlands of Special State Concern onsite, a Habitat Protection Plan will be required for review and approval by this office. An updated review of the property from the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) is also required. Any recommendations made by WHS must be addressed and incorporated into the Habitat Protection Plan.
9. Mitigation for forest clearing onsite shall be provided at a 1:1 ratio, provided it is less than 20% clearing.
10. The application indicates shoreline erosion control measures will be installed at this site. The applicant should contact MDE Tidal Wetlands Division to determine the type of replacement structure that may be allowed. A copy of any approved permit must be forwarded to this office.
11. The concept plan states approximately 70 private slips will be provided as part of the subdivision. Information included in our files state the old commercial marina provided 50 boat slips. If the applicant is proposing a community facility for the residents of the subdivision, the number of slips is determined by Section 198 of the Cecil County Zoning Ordinance. Section 198 permits the lesser of one slip for each 50 feet of shoreline in the IDA and LDA or 37 slips for the 75 platted lots in the Critical Area. If the applicant is proposing a commercial marina, the number of allowable slips is determined by Maryland Department of the Environment.
12. Conceptual 10% calculations should be provided at the Concept Plan stage to ensure that the applicant accounts for the necessary stormwater treatment measures through the design stage.

We note that, as of July 1, 2008, the growth allocation guidelines found in Natural Resources Article 8-1808.1(c) are now *standards*. The Critical Area Commission shall ensure that these standards are applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the County's application of these standards must be provided as a part of the growth allocation request. The standards are provided below:

1. Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area
2. Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area
3. Locate a new Intensely Developed Area in a Limited Development Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality
4. Locate new Intensely Developed Area or Limited Developed Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources
5. New Intensely Developed or Limited Development Areas [to be located in the Resource Conservation Area] involving the use of growth allocation shall conform to all criteria of the Commission for Intensely Developed or Limited Development Areas and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with Section 8-1809(g)
6. Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas
7. The area of expansion of Intensely Developed or Limited Development Areas, or both, may not exceed an area equal to 5 percent of the county's portion of the Resource Conservation Area lands that are not tidal wetland or federally owned
8. New Intensely Developed Areas and Limited Development Areas should be located where they minimize impacts to the defined land uses of the Resource Conservation Area

In accordance with §8-1808.1(c)(3), the Commission shall also consider the following factors when reviewing a map amendment involving a new Limited Development Area:

1. Consistency with the jurisdictions adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan
2. Whether the development is to be served by a public wastewater system or septic system that uses the best available nitrogen removal technology; is a completion of an existing subdivision; is an expansion of an existing business; or is to be clustered
3. The use of existing public infrastructure, where practical
4. Consistency with State and Regional Environmental Protection Policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site

5. Impacts on a Priority Preservation Area, as defined under §2-518 of the Agriculture Article
6. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams
7. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development

An application made to the Critical Area Commission for approval of growth allocation should include a conceptual development plan, environmental features map, and a report to determine whether the development standards, as well as the factors the Commission shall consider when reviewing this growth allocation, can be achieved for this project. The applicant should also include 10% pollutant reductions requirements and all habitat protection area standards. Finally, the submittal should include a revised Critical Area Map showing the area proposed to be changed that matches the requested number of acres proposed to be changed.

Finally, we note the County is currently under sanction by the Critical Area Commission regarding the Habitat Protection Area provision of the Zoning Ordinance. Consequently, the Planning Commission may not approve any final subdivision plat in a Habitat Protection Area. Further, we may have additional comments to provide once the necessary changes to the Zoning Ordinance have been made.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner

cc: Jason Traband, CNA
Lori Byrne, DNR
Reggie Graves, MDE
CE10-04

Schmidt, Katherine

From: Jason Traband [jason.traband@cna-engineers.com]
Sent: Wednesday, June 11, 2008 9:34 AM
To: Schmidt, Katherine
Cc: TDiGiacomo@ccgov.org
Subject: Elk Point

Kate,

I have been trying to reach you to discuss your June 3 letter on the buffer expansion for the Elk Point Marina project. I need to have the appropriate buffer to continue planning work on the project. Can you clarify a couple of questions that I have. Cecil County will not allow development on slopes >25% that have an area of at least 10,000 ft², so the areas in the vicinity of 22 & 27 are not an issue.

There are >15% slopes outside the buffer as shown on the reviewed plan in the vicinity of transect 9 (near 23 & 24), but as you noted they are perpendicular to the shoreline. Can you please explain why the buffer needs to be expanded around them? Near transect 30, I am unsure of where to expand the buffer. It seems to me that a 100 ft of separation of <15% slopes between the buffer and the uphill >15% slopes is more than enough distance to justify not expanding the buffer around them. Also, I don't understand why the slopes must be expanded to the limit of the slopes away from the water. Since they are away from the water then it stands to reason that development on them will not impact aquatic resources. Slopes perpendicular to the shoreline, large separation distance, and slopes away from aquatic resources are in my mind justifiable reasons not to further expand the buffer.

Finally, you indicated that the Cecil County may waive the highly erodible soils component of the buffer expansion. In previous conversation with Tony, he stated the Cecil County would not support a variance from this aspect of the code. We have had our geotechnical engineer and soils lab run rigorous analyses on samples of all soil types that would warrant buffer expansion. The conclusion was that the soils actually have K-factors that are <0.35 threshold. We have a report explaining the methods and results, should this be submitted with our Environmental Assessment?

Please let me know as soon as you can.
Thanks,

Jason Traband
Environmental Scientist
CNA, Inc.
215 Bynum Road
Forest Hill, Maryland 21050
office: 410-879-7200
mobile: 410-808-3761
fax: 410-838-1811
email: jason.traband@cna-engineers.com

Schmidt, Katherine

From: TDiGiacomo@ccgov.org
Sent: Friday, March 07, 2008 1:14 PM
To: Dan Sekowski
Cc: EricSennstrom@ccgov.org; AmandaGordon@ccgov.org; Schmidt, Katherine
Subject: Re: Elkpoint

Dan,

If a conceptual EA and/or FSD is not already approved, then we cannot accept a Concept Plat for Planning Commission review.

Obviously, **§4.0.13**, **§4.1.22** & **§4.213** all countenance distinctions among conceptual, preliminary and final EA's, as well as their possible evolution as a project moves forward.

Thanks,

Anthony J. Di Giacomo, AICP
Principal Planner
Cecil County Government
County Administration Building
200 Chesapeake Boulevard, Suite 2300
Elkton, MD 21921
410.996.5220
410.996.5305 (fax)

"Dan Sekowski" <Dan.Sekowski@cna-engineers.com>

To <TDiGiacomo@ccgov.org>

cc

03/07/2008 12:15 PM

Subject Elkpoint

Tony,

For the Elk Point Marina Concept Plat planning commission, we have reviewed Section 4.0.13 of the subdivision regulations regarding the conceptual Environmental Assessment (EA). However, it has been our understanding that the conceptual EA was to be submitted no later than the planning commission submission deadline. From previous projects (HarborsideVillagea.k.a. Heron Cove), we have gone through revisions of EA's that were concurrently reviewed with revised concept and preliminary plats. The concept plat would be approved with the concept EA or would be conditionally-proved pending concept EA approval.

3/17/2008

Our understanding of the EA review process is to make the submission to Cecil County; Critical Areas would be forwarded a copy the EA; Critical Areas issues comments to Cecil County prior to planning commission and typically copies the engineer; planning commission and Critical Areas comments are discussed at the planning commission hearing. Since this is the concept phase of the process there will undoubtedly be plan revisions that will cause the EA to have to be revised.

Further, as you know from an email from Jason Traband from our office yesterday, we are meeting with CAC on 3/18 which you are certainly invited to attend. Also, we have previously met with CAC, so we are certainly trying to be proactive in our planning efforts. We are trying to stay on schedule for the April planning commission and could not have the EA approved by the 3/20 deadline given the meeting 2 days prior.

Can you let us know regarding the submittal and review process? Interpreting Section 4.0.13 verbatim just seems to be in conflict with the way reviews have been completed on other projects.

Thanks,

Daniel L Sekowski

Landscape Designer OSI, MLA, ASLA,

CNA, Inc.

215 Bynum Road

Forest Hill, Maryland 21050

office: 410-879-7200

fax: 410-838-1811

email dan.sekowski@cna-engineers.com

3/17/2008

Kelly, Nick

From: Jason Traband [jason.traband@cna-engineers.com]
Sent: Friday, August 15, 2008 12:37 PM
To: AmandaPaoletti@ccgov.org
Cc: Kelly, Nick
Subject: RE: Elk Point Marina

Amanda,

Please see the attached Conceptual Environmental Assessment for the Elk Point Marina project. The plan has been revised to incorporate your 8/11/08 comments. Specific revisions include the additional regulatory approvals, the growth allocation design waiver note, and contiguous forest clarification. As you have previously indicated, the state proposed use is adequate. We have forwarded CBCAC comments dated 8/1/08. Of those comments, 3, 4, 6, & 7, and 1 & 2 on the additional comments are relevant to the CEA. We have included the "potential buffer expansion areas" within the buffer and will address other comments at the preliminary EA stage.

I will forward a paper copy of the plan as well. Please let me know if you are able to simply replace the last CEA with this one. In that respect, I will not have to reprint all of the bound material that has not changed since I sent on 8/6/08.

Thanks again for your assistance and expeditious responses.

Jason Traband
Environmental Scientist
CNA, Inc.
215 Bynum Road
Forest Hill, Maryland 21050
office: 410-879-7200
mobile: 410-808-3761
fax: 410-838-1811
email: jason.traband@cna-engineers.com

From: AmandaPaoletti@ccgov.org [mailto:AmandaPaoletti@ccgov.org]
Sent: Thursday, August 14, 2008 2:27 PM
To: Jason Traband
Subject: RE: Elk Point Marina

Per my understanding, yes.

In regards to the plan, I can not locate the Natural Heritage Letter. Has that been provided in the plan? It will be required prior to CEA approval. If you sent it out more than 30 days ago, you can provide me a copy of the letter and the plan can receive approval conditioned on the letter being provided w/ the PEA.

Thanks!

8/15/2008



Amanda M. Paoletti

Plans Reviewer

200 Chesapeake Blvd.
Suite 2300
Elkton, MD 21921
Phone: 410-996-5220
Fax: 410-996-5305

From: "Jason Traband" <jason.traband@cna-engineers.com>
To: <AmandaPaoletti@ccgov.org>
Date: 08/14/2008 02:20 PM
Subject: RE: Elk Point Marina

So if I address your 8/11/08 comments can the CEA be approved with the condition that all CBCAC comments are addressed at PEA?

Jason

From: AmandaPaoletti@ccgov.org [<mailto:AmandaPaoletti@ccgov.org>]
Sent: Thursday, August 14, 2008 2:02 PM
To: Jason Traband
Subject: Elk Point Marina

8/15/2008

Jason,

I've been in contact w/ Nick Kelly most of the morning and we've decided to do this as follows:

Conceptual Environmental Assessment: The County will seek review from CBCAC for the conceptual environmental assessment, but not all comments may be addressed at that time. (i.e. locations of structures and forest mitigation) The conceptual environmental assessment is basically an environmental features map, and items such as the location of structures and the extent of the limits of disturbance aren't generally addressed at this level. When the County does approve the CEA a condition of approval will be that all comments from the CBCAC review be addressed in the Preliminary Environmental Assessment.

Preliminary Environmental Assessment: At this level the County will require that the comments sent by the Critical Area Commission be addressed prior to approval.

Final Environmental Assessment: The Habitat Protection Plan should be provided at this phase in addition to any comments from the CBCAC being addressed prior to approval.

If you have any questions, please feel free to contact me.

Thank you.



Amanda M. Paoletti

Plans Reviewer

200 Chesapeake Blvd.
Suite 2300
Elkton, MD 21921
Phone: 410-996-5220
Fax: 410-996-5305

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Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

C. Ronald Franks
Secretary

W. P. Jensen
Deputy Secretary

July 25, 2003

Mr. Jessica M. Kurtz
Frederick Ward Associates, Inc.
P.O. Box 727
Bel Air, MD 21014-0727

**RE: Environmental Review for Elk Point Marina, Inc., FWA 2031196.00,
Oldfield Point Road, Elkton, Cecil County, Maryland.**

Dear Ms. Kurtz:

The project site overlaps with a Natural Heritage Area (NHA) designated as Plum Creek NHA #15. Activities within NHAs are regulated so that the structure and species composition of the area are maintained [COMAR 27.01.09.04.C(2)(b)(vii)]. This NHA supports occurrences of state listed endangered Mudwort (*Limosella australis*) and state rare Spongy Lophotocarpus (*Sagittaria calycina*), which are both intertidal species of plants.

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Also, a bald eagle nest occurs within ¼ mile of the property. The bald eagle is listed as a threatened species by the state and the federal government. Protection of endangered species habitat is required within the Critical Area (COMAR 27.15.09.03). The approximate location of the eagle nest is located on the attached map. To protect bald eagle nest sites we use the following guidelines:

1. Establish a protection area of ¼ mile radius around the nest tree. Within this area, establish three zones of protection: Zone 1 extends from the nest tree to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to ¼ mile.

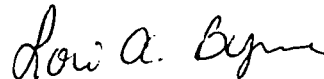
Page 2
July 25, 2003

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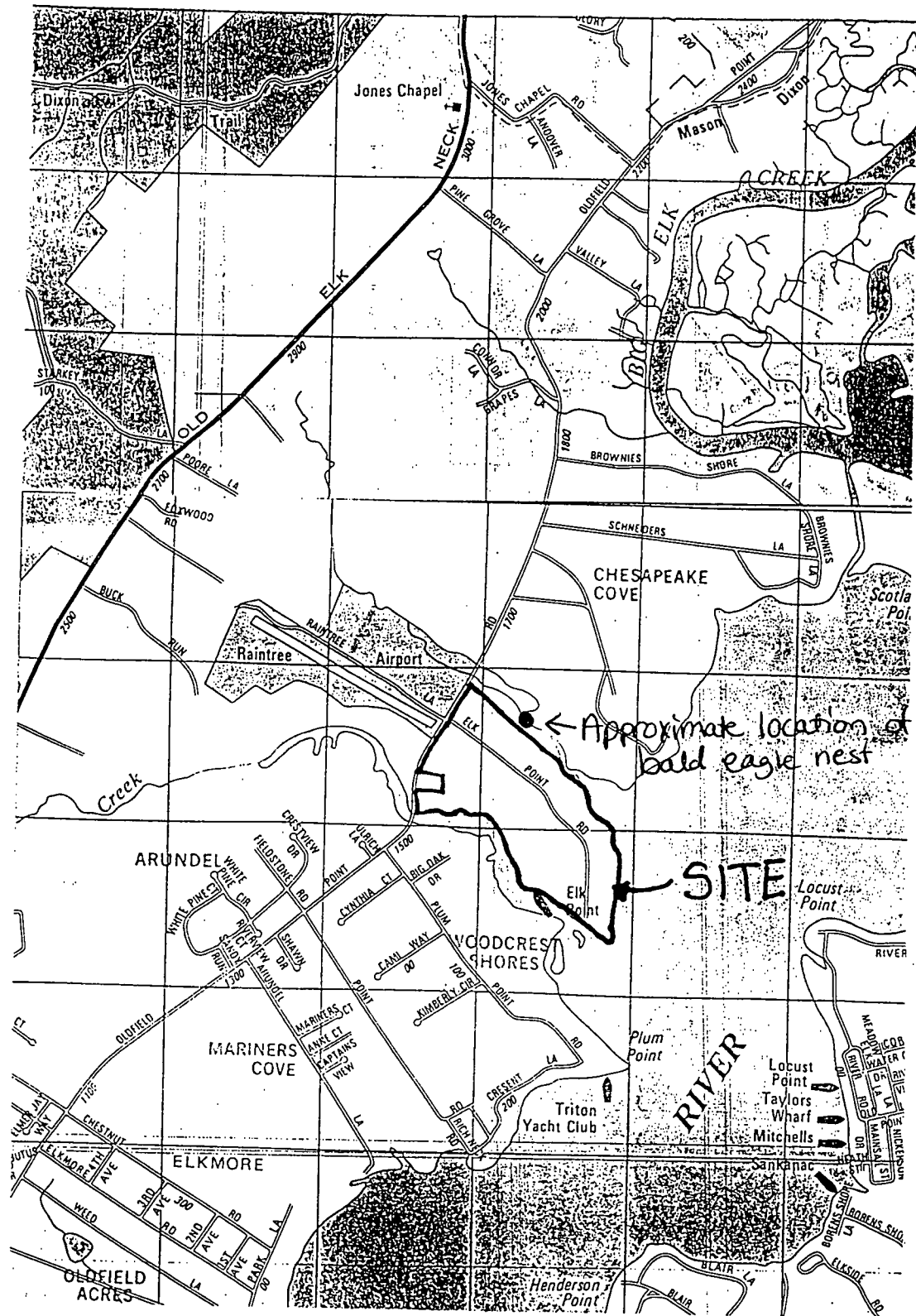
Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, feel free to contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne
Environmental Review Coordinator,
Wildlife and Heritage Service
Maryland Department of Natural Resources

ER# 2003.0901.ce
Cc: D. Brinker, DNR
R. Esslinger, CAC
Attachment



SCALE
1"=2000'

DATE
2000

DR. BY
ADC

CH. BY

PLAT NO.

JOB NO.

2031196.00



FREDERICK WARD
ASSOCIATES

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MAP



FREDERICK WARD ASSOCIATES

ARCHITECTS

ENGINEERS

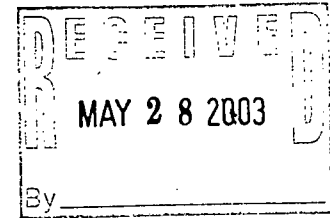
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Warrenton, Virginia
540-349-8385

www.frederickward.com



May 27, 2003

Maryland Historical Trust
Historical Properties Division
100 Community Place
Crownsville, Maryland 21032

200302 050

Re: Elk Point Marina, Inc.
Elkton, Cecil County, Maryland
FWA: 2031196.00

F
CWE

DLH/SRB

Dear Sir or Madam:

Frederick Ward Associates would like to request any information you may have concerning any historical properties near the subject property above. The property is located east of Oldfield Point Road in Elkton, Cecil County, Maryland. Elk Point Road is completely located on the Subject Property. The property is being applied for state and federal wetland disturbance permits. Our client is proposing to expand the existing marina and is proposing to add some residential homes. Enclosed you will find a vicinity map and a topographical map with the Subject Property located. Please contact me if you have any questions concerning this request.

Sincerely yours,

FREDERICK WARD ASSOCIATES, INC.

Jessica M. Kurtz

Jessica M. Kurtz
Environmental Technician

Attachment: vicinity map, USGS Quad
JMK: jmk

f:2031196.elkpoint.mth.doc

Elkton Quad

*Arch,
DLH
6/20/03
SRB
(16)*

*APE in vicinity of 18CE189, MHP: CE-1037 - bridge - no effect
- lithic scatter
disturbance - roads, airport to west, seawall, marina
undisturbed areas are steeply sloped - low potential.*

A review of MHT files and your submittal indicates that this project is unlikely to affect significant historic and archeological properties.

Clients First. Quality Always.

Stephen D. Williams
Office of Preservation Services
Maryland Historical Trust

6/30/2003
Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401



July 9, 2003

Mr. William S. Twupack
Frederick Ward Associates
P.O. Box 727, 5 South Main Street
Bel Air, Maryland 21014-0727

RE: *Proposed Expansion of Existing Marina and Construction of Residential Homes,
FWA: 2031196.00, Elk Point Marina, Inc., East of Oldfield Point Road, Elkton, Cecil
County, MD*

Dear Mr. Twupack:

This responds to your letter, received May 29, 2003, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened bald eagle (*Haliaeetus leucocephalus*) nests north of Elk Point Road and within the boundaries of the project site. For further information regarding activity at this nest, Glenn Therres of the Maryland Wildlife and Heritage Division should be contacted at (410) 260-8572. Any construction or forest clearing activities within one-quarter mile of an active nest may adversely affect bald eagles, requiring further consultation with the U.S. Fish and Wildlife Service.

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An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's

remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Craig Koppie at (410) 573-4534.

Sincerely,



↑ Mary J. Ratnaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Glenn Therres, Maryland Wildlife and Heritage Division, Annapolis, MD



CE10-84

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
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C. Ronald Franks
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July 25, 2003

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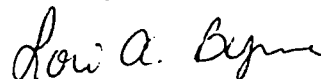
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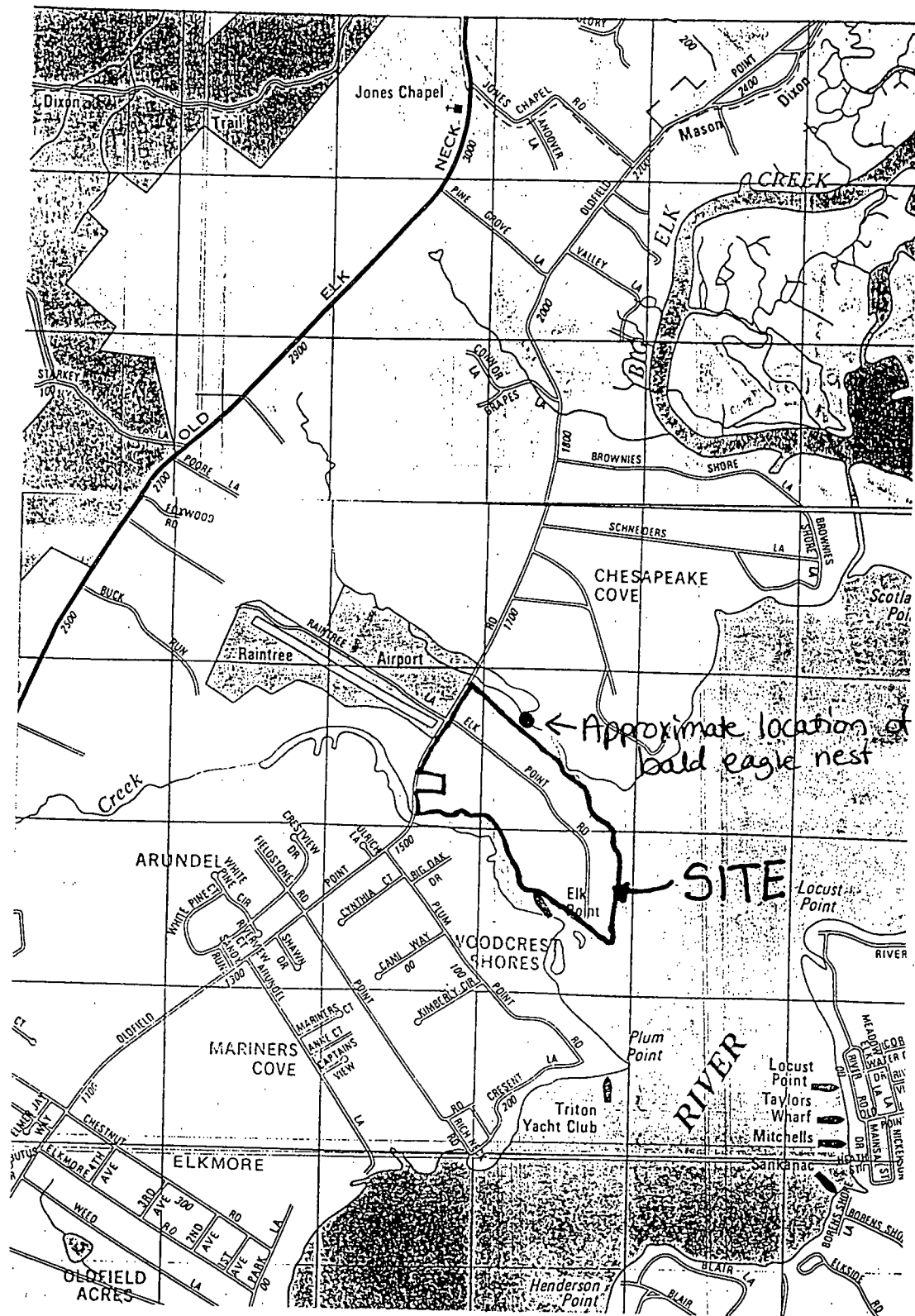
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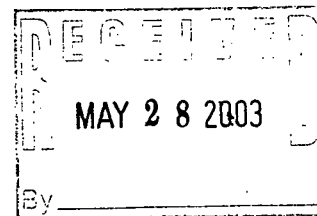
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May 27, 2003

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Historical Properties Division
100 Community Place
Crownsville, Maryland 21032

200302 050

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Disturbance - roads, airport to west, seawall, marina
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Signature of Preservation Services
Maryland Historical Trust

6/30/2003
Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401



July 9, 2003

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Frederick Ward Associates
P.O. Box 727, 5 South Main Street
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Sincerely,

A handwritten signature in dark ink, appearing to read "C. A. Ratnaswamy".

↑ Mary J. Ratnaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Glenn Therres, Maryland Wildlife and Heritage Division, Annapolis, MD

Plum Creek Natural Heritage Area
(Critical Area Site CE NHA-15)

Cecil County

USGS Quads: Elkton
North East

SUMMARY OF ECOLOGICAL SIGNIFICANCE:

Plum Creek Natural Heritage Area (NHA) contains a variety of habitats including tidal and non-tidal marshes and swamps, tidal mudflats, tidal and non-tidal open water, and forested ravines and slopes. At least five types of Habitat Protection Areas recognized by the Chesapeake Bay Critical Area Criteria occur within the site boundary, including Natural Heritage Area, Endangered species, Non-tidal Wetland, Riparian Forest, and Buffer. In addition, the Natural Heritage Area is contiguous with a proposed Habitat Protection Area for a Threatened Species.

Natural Heritage Areas are communities of plants and animals which are considered to be among the best Statewide examples of their kind, and are designated by State regulation.

The Threatened plant Spongy Lophotocarpus (Sagittaria calycina) is found in tidal marshes in Plum Creek Natural Heritage Area and in a contiguous proposed Listed Species Habitat Protection Area.

Seven Tidal and Non-tidal Wetland types are mapped for the site on the U.S. Fish and Wildlife Service National Wetlands Inventory maps. Non-tidal Wetlands associated with Listed Species habitat are considered wetlands of special importance by the Critical Area Commission (Guidance Paper No. 3).

The swamps and extensive forested upland constitute a Riparian Forest Habitat Protection Area which provides breeding habitat for Forest Interior Dwelling Birds.

Most of Plum Creek NHA is within the Critical Area Buffer. The Buffer is a Habitat Protection Area established by the Critical Area Criteria to "protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances."

The extensive marshes provide habitat for a variety of wildlife species which are commonly seen, including beaver, Osprey, Great Blue Heron, waterfowl, and reptiles and amphibians. The diverse plant species in the marshes provide excellent food for waterfowl and the marsh vegetation produces detritus which forms the basis of ecologically and economically important aquatic and terrestrial food webs. The extensive 30-40 acre Freshwater Mixed Species Marsh Community is a good example of a community type which has the highest values for productivity and wildlife utility, is closely associated with fish spawning and

nursery areas, and is important to shellfish populations. The annual productivity for this type of marsh is 3-5 tons per acre.

ELEMENT SUMMARY TABLE

<u>Element Name</u>	<u>Common Name</u>	<u>Status</u>
<u>Limosella subulata</u>	Mudwort	Endangered
<u>Sagittaria calycina</u>	Spongy Lophotocarpus	Threatened
<u>Sagittaria subulata</u>	Subulate Arrowhead	Watch List

OTHER VALUES AND SIGNIFICANCE

The Endangered plant Mudwort (Limosella subulata) has been recently found in Plum Creek Natural Heritage Area, but not since the new Old Field Point road bridge was constructed. The bridge construction resulted in siltation of the plant's habitat and burying of the individuals and seeds of this species, which is an annual. It is not yet known whether the apparent loss of this species from Plum Creek Natural Heritage Area is permanent. Only three populations of Mudwort are known in Maryland, all from Cecil County. Subulate Arrowhead (Sagittaria subulata), a plant species uncommon in Maryland, is also found in the tidal marshes. Three other rare plants have been recorded from the site but their current status is unknown.

The forest and marsh vegetation reduces pollution and flooding by slowing water flow, filtering sediment and chemical pollutants, and utilizing nutrients. The marsh vegetation reduces shoreline erosion by attenuating the force of waves caused by storms, wind, and boat wakes.

THREATS AND MANAGEMENT NEEDS

Threats

The rare plant habitat and populations are threatened by excessive siltation from several sources. Much silt has entered Plum Creek due to the recent construction of the bridge on Old Field Point road. Additional siltation has occurred due to the construction of a gravel road west of Old Elk Neck road. Several large, steep-sided ravines cut through the slopes along the creek, and empty into the marsh. These sparsely-vegetated ravines are actively eroding, and are depositing silt and gravel into the marsh. Logging, road building, or home construction in the watershed would cause additional siltation. The massive fill which extends along Plum Creek north of the creek and east of Old Field Point road is another potential source of siltation.

The aquatic habitats within the NHA are threatened by potential water-borne chemical pollution originating from the boats, docks, and marinas just downstream.

Management Needs

Inform the landowners concerning the significance of the Natural Heritage Area and the rare species and their habitats, and seek their cooperation in protection and management. In consultation with the landowners, develop a management plan for the site.

Prevent further sedimentation associated with the new bridge on Old Field Point road.

For at least five years, annually search the suitable habitat for Mudwort, to determine if it has been eliminated from the Natural Heritage Area.

Prevent road construction and logging within 100 feet of the top of the slopes along Plum Creek.

BOUNDARY DISCUSSION

Plum Creek Natural Heritage Area was designated by State regulation. Its boundary includes the Tidal and Non-Tidal Wetlands associated with Plum Creek and contiguous forested ravines and slopes. The boundaries of Habitat Protection Areas for Threatened or Endangered species may extend beyond the Natural Heritage Area boundary. The lower portion of the NHA overlaps with a proposed Habitat Protection Area for the Threatened species Spongy Lophotocarpus. This Listed Species Habitat Protection Area includes the tidal marshes and adjacent slopes, and the boundary extends 100 feet inland from the top of the slopes above the creek.

Protection of Habitat Protection Areas pursuant to the Critical Area Criteria is partially dependent upon the location of the Critical Area Buffer. The Buffer is a Habitat Protection Area established by the Criteria to "protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances." [COMAR 14.15.09.01.A] Most of the Natural Heritage Area and the Listed Species Habitat Protection Area is within the Buffer. The Buffer extends to the top of the slopes or beyond when expanded according to the Criteria. The Buffer extends a minimum of 100 feet inland from the tidal mean high water line and must be expanded beyond 100 feet at this site to include the contiguous, sensitive areas of hydric soils, highly erodible soils, and adjacent steep slopes, since their development or disturbance would impact streams, wetlands, or other aquatic environments. Where slopes equal or exceed 15 percent, the Criteria require the expansion of the Buffer at the rate of 4 feet for every 1 percent

of slope, or expansion to the top of the slope, whichever is greater. [14.15.09.01.C(7)]

The following activities are specifically allowed by the Criteria in portions of Habitat Protection Areas within the Buffer, assuming that Threatened and Endangered species habitat is not affected detrimentally:

- Hunting
- Fishing
- Trapping
- Educational pursuits
- Scientific observation
- Non-commercial, passive recreation; e.g.,
 - Hiking
 - Nature photography [14.15.10.N]

Cutting of trees for personal use, if replaced on an equal basis and water quality or habitat value is not impaired [14.15.09.01.C(5)(d)]

Individual private piers installed and maintained by the riparian landowner [14.15.03.01.C]

Public beaches, launching and docking facilities, and fishing piers if 5 requirements are met [14.15.03.08]

One subdivision-owned slip, pier, or mooring buoy per 300 feet of shoreline [14.15.03.07]

Water-dependent research facilities [14.15.03.09]

Commercial water-dependent fisheries facilities [14.15.03.10]

The Criteria specifically prohibit the following activities in portions of Habitat Protection Areas within the Buffer:

Development activities, including structures, roads, parking areas and other impervious surfaces, mining and related facilities, or septic systems
EXCEPT: Activities associated with acceptable water-dependent facilities [14.15.09.01.C(2)]

Industrial and port-related facilities, and non-public marinas [14.15.03.05 & .06]

Bridges and utilities unless no feasible alternative exists [14.15.02.04.C(1)(b)]

Dredged spoil disposal except for:

- a. backfill for permitted shore erosion protection structures
- b. use in approved vegetated shore erosion projects
- c. placement on previously approved channel maintenance spoil disposal areas
- d. beach nourishment [14.15.03.04(7)]

Clearing of existing natural vegetation except

- a. to provide access to private piers
- b. to install or construct a legally permitted shore protection device or measure
- c. to install or construct a legally permitted water-dependent facility [14.15.09.01.C(4)(e) & (5)(c)]

Commercial harvesting of trees [14.15.09.01.C(5)(a)]

Farming activities, including the grazing of livestock
[14.15.09.01.C(4)(F)]

In addition to the above provisions and in portions of Natural Heritage Areas located outside the Buffer, Natural Heritage Areas are to be protected "from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained." [14.15.09.04.C(2)(b)(vii)]

In addition to the above provisions and in portions of Listed Species Habitat Protection Areas located outside the Buffer, "development activities and other disturbances" are prohibited "unless it can be shown that these activities or disturbances will not have or cause adverse impacts" on the habitats of Listed Species. [14.15.09.03.C(2)(a)]

Appropriate divisions within the Department of Natural Resources and other agencies should be contacted regarding protection measures for other Habitat Protection Areas.

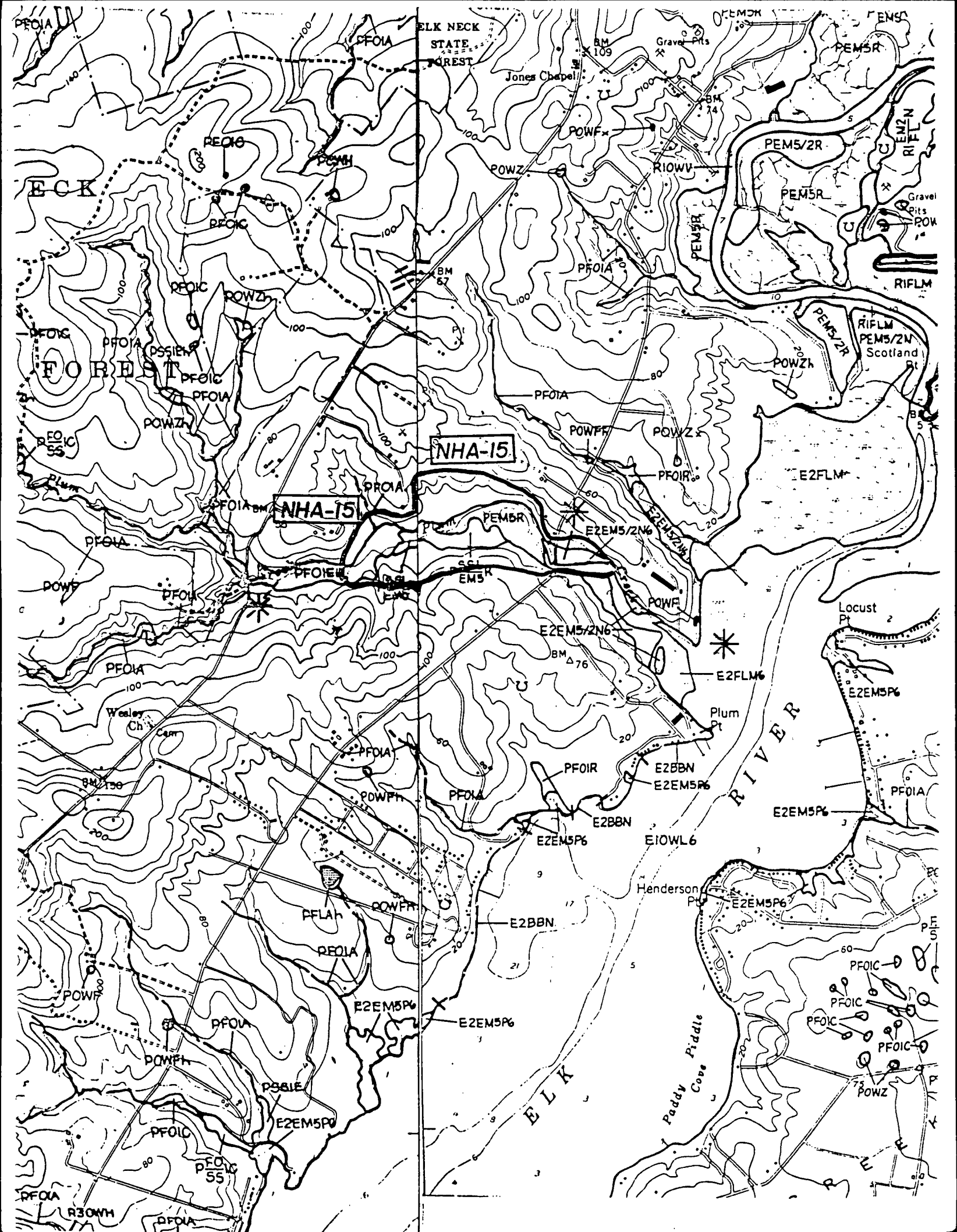
SITE DESCRIPTION SUMMARY

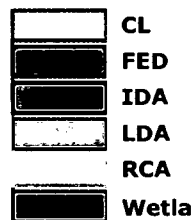
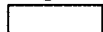
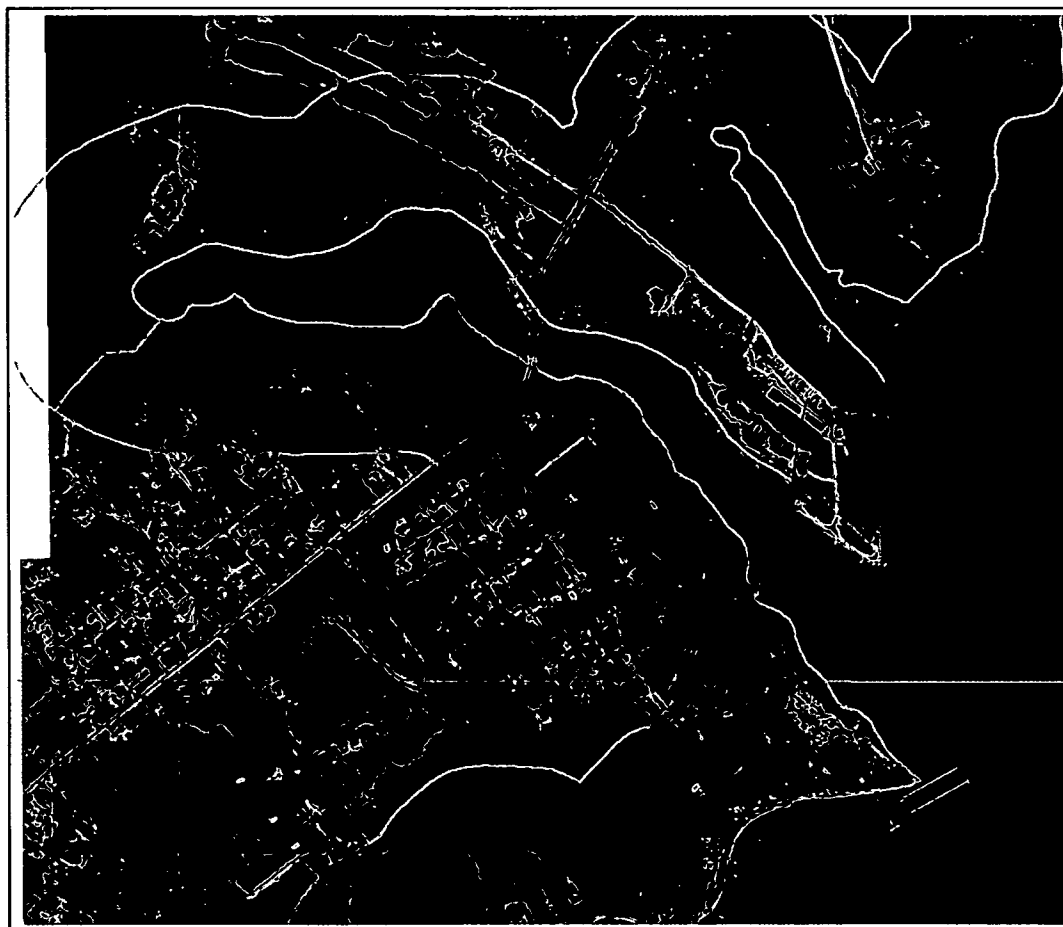
Plum Creek Natural Heritage area is large tidal oligohaline marsh and scrub/shrub swamp, bordered with, and upstream grading into non-tidal marsh, scrub/shrub swamp, and forested swamp. A mixed-oak hardwood forest dominated by Chestnut Oak (Quercus prinus) occurs on the surrounding slopes.

The extensive Freshwater Mixed Community daily and seasonally tidal marsh is locally dominated by Broad-leaved cattail (Typha latifolia), Yellow Pond Lily (Nuphar luteum), Golden Club (Orontium aquaticum), Sweet Flag (Acorus calamus), and carex sedges (Carex spp.).

Steep moist ravines extend from the upland down to the marsh. Less common species such as Yellow Birch (Betula lenta), Canada Mayflower (Maianthemum canadense), and Whorled Pogonia orchid (Isotria verticillata) are found in and along these ravines.

(August, 1988)



MERLIN Online Map - Elk Point Marina, Inc. (DNR/FWA 2031196.00)**Sensitive Areas****CE Critical Areas****Base Maps****3.75' Quarter Quad Grid****Elkton NW 3.75' CIR 03/25/1995****Elkton SW 3.75' CIR 03/25/1995**

N 211569.28m E 497468.32m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters

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**Elk Point Marina, Concept Plat, Feb. '08 TAC, Oldfield Point Rd.,
3rd Election District (TAZ # 520, CT # 305.03)**

~~This proposal was found to be in compliance with §3.9.1 regarding public notification signs.~~

~~With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.~~

Zoning: **MB, SR, IDA** (Critical Area), & **RCA** (Critical Area)

Density: The **SR** zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The **MB** zone, per §'s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

In the **SR** zone, this Concept Plat proposes 11 lots on 47.65 acres, for a proposed density of 1/4.3318. The **SR**-zoned area of the site is coterminous with its **RCA** overlay zone, which permits the density of only 1 du/ 20 ac. For that reason, a Growth Allocation will be required if this proposal's design is to be achieved.

In the **MB** zone, this Concept Plat proposes 66 lots on 27.96 acres, for a proposed density of 2.36/1. Per § 75.2, the density is limited to 4/1, and the **MB**-zoned portion of the site is coterminous with its **IDA** overlay zone, which permits the density of the underlying zoning district. Therefore, the proposed density is consistent with the **MB & IDA** zones.

This proposal calls for the use of a shared water system and shared community sewer system. Therefore, the Master Water and Sewer Plan must be amended accordingly.

*Subsurface
discharge*

This proposal must fully comply with all provisions of and applicable subsections of §175.

§175.3.c.1 requires 10,000 ft² of subsurface disposal area to be set aside for each dwelling unit. Therefore, 770,000 ft² have been designed to serve 77 proposed dwelling units.

As to the issue of Growth Allocation, it is basically a process of designating new **LDA** and **IDA** areas in the Critical Area to accommodate more intense activity or density. In this case, the **RCA** zone, whose density limitation is 1/20, will not permit the proposed density of 1/4.3318. Therefore, the applicant seeks to have the site awarded Growth Allocation to reclassify the Critical Area designation from **RCA** to **LDA**.

§'s 206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas. The planning Commission will make a recommendation for the Board of County Commissioners – who will decide whether or not to award the Growth Allocation. Pursuant to that process, the TAC review is taking place today.

~~As to the scoring under the point scoring system, the Cecil County Critical Area Program, adopted 7/5/88, established an application screening process "whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation." That process consists of a point award system, the intent of which is "to encourage location of projects for Growth Allocation in or adjacent to existing Limited~~

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~~Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system."~~

The details of the point award system are contained in §'s 206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth Allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.¹

The applicant has scored the project and awarded it 92 points, which is above the threshold for the awarding of Growth allocation and reclassification. §206, 207, and 208 provide that the scoring system be the basis for any recommendation of reclassification. The points awarded by the applicant are as follows:

1. For "Development Type,"² a maximum score of 40 points is possible, and the applicant has self-scored the project 15 points. Since common open space acreages and calculations have not been provided, staff cannot, with certainty, verify that the criteria have been met.³
2. For "Buffer Enhancement,"⁴ a maximum score of 20 points is possible, with the applicant having self-scored the project 4 points. Staff concurs. No ?
3. For "Location of Development,"⁵ the applicant has self-scored the project 10 out of a maximum score of 15 points. Staff again concurs.
4. For "Forest and Woodland Protection,"⁶ a maximum score of 10 points is possible, with the applicant having taken credit for none.
5. For "Habitat Protection,"⁷ a maximum score of 10 points is possible, and the applicant has self-scored the project 9 points. Until the easements referenced in item 'b' can be clearly demonstrated, those 4 self-awarded points must be deducted. This project does not qualify for any points under item 'c,' so those 2 points must be deducted. In addition, the applicant has self-awarded the project points under items 'c' and 'd,' which are mutually exclusive domains. If that logic were to prevail, the maximum possible points would be 14 points, which is not the case.
6. For "Water Quality,"⁸ a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points. Staff concurs.
7. For "Resource Utilization,"⁹ the applicant has self-scored the project 3 out of a maximum score of 6 points. Staff again concurs.
8. For "Erosion Control,"¹⁰ a maximum score of 3 points is possible, with the applicant having self-scored the project 3 points. Staff agrees with that score.

¹ §212 provides for exemptions from the Point Scoring System for sites in the Development District.

² §208.1.

³ The Concept Growth Allocation Exhibit's growth Allocation Calculations Summary indicates that 66.1% of the area is proposed as open space, but it isn't specified whether that percentage includes common open space in the IDA portion, what the acreage actually is, and what percentage of the 66.1% is uplands.

⁴ §208.2.

⁵ §208.3.

⁶ §208.4.

⁷ §208.5.

⁸ §208.6.

⁹ §208.7.

¹⁰ §208.8.

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9. For "Water-dependent Facilities,"¹¹ a maximum score of 3 points is possible, with the applicant having taken credit for none.
10. For "Bonus Points,"¹² a maximum score of 65 points is possible, and the applicant has self-scored the project 40 points. Until and unless the basis for the awarding of 10 points under item 'b' can be clarified, staff believes they must be deducted.

Given the issues associated with point categories 1, 5 and 10, this project does not appear to meet the minimum scoring threshold for consideration of award of Growth Allocation.

This proposed design uses the "lotominium" concept to creatively cluster and find a way around the limiting yard requirements contained in ARTICLE VI's Schedule of Zone regulations. Based on the precedent of the 6/18/01 Chesapeake Club, Fairhaven Estates, Lotominium 104, Preliminary-Final Plat approval, staff will recommend that this project follow the normal review and approval process, rather than the one approved on 3/19/91 for condominiums.¹³

~~The Cecil County Subdivision Regulations (§2.0) define "Condominium" as follows: "A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit which has all of the following characteristics:~~

- ~~(a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.~~
- ~~(b) The unit may be any permitted dwelling type.~~
- ~~(c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces."~~

Base upon the submitted lotominium proposal, it appears that that each townhouse owner would own, fee-simple, the ground on which his townhouse sits, and that the individual owners in each cluster of 4 would collectively own the surrounding common area specific to their cluster.

If not, then how will the lotominium area be differentiated from the common open space in terms of the lotominium regime, as well as practical, day-to-day matters?

¹¹ §208.9.

¹² §208.10

¹³ The Planning Commission established a condominium approval process that was predicated upon the approved Concept Plat, and then established the use of a combined Preliminary Plat/Site Plan. Thus, a Preliminary Plat was also a Site Plan which the Planning Commission would approve at the same time, conditioned on no building permits being issued until Health Department requirements were met, DPW requirements were met, and all other requirements for Final Plats were met. The approved Preliminary Plat/Site Plan was very specific, with actual construction drawings. Generally, from the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats return to the Planning Commission for approval, "as built." The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

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A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. ~~On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.~~¹⁴

Slopes greater than 25% must be shown on the Preliminary Plat.

intermittent too
A 110' perennial stream buffer is required from all perennial streams present. ~~This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% — to a maximum distance of 160'.~~

A 110' tidal wetland and tidal waters Buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments. Why hasn't the Buffer been expanded in the area of proposed Lots 34-36? * *Incorrect on entire plat*

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. ~~JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission.~~¹⁵ ~~If required, a JD is recommended to be completed prior to recordation.~~

What is the status of the Environmental Assessment?

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.

15% common open space is required. This appears to exceed that requirement, but the no "common open space" is shown or referenced and no acreages have been provided. In addition, the sensitive areas common open space percentages will need to be calculated. ~~At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare,~~

¹⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁵ Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

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~~threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.~~

20% landscaping of the development envelope is required in the SR zone; **25%**, in the MB zone.

Sidewalks are not recommended, to reduce impervious surfaces.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Oldfield Point Road.

Per **§187.2**, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown.

~~A **Bufferyard Standard A** will be required adjacent to any adjoining property on which an agricultural operation is occurring.~~

Rows of **street trees** with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. ~~Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.~~

Any tree removal within a public right-of-way requires approval from the Maryland DNR.

No development is permitted in the tidal wetlands and tidal waters Buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than **15%** of the surface area can be converted to impervious surface in the **RCA** or **LDA**. No more than **20%** of the forest or developed woodland may be removed.

In the **IDA**, **§199.4** mandates demonstration that Best Management Practices for stormwater assure a ten percent reduction of pre-development pollutant loadings.

In the critical area, no structure shall exceed **35'** in height.

The Conceptual Environmental Assessment must be approved prior to Planning Commission's review of the Concept Plat (§4.0.13(a)).

~~The Preliminary Environmental Assessment must be approved prior to Planning Commission review of the Preliminary Plat (§4.1.22(a)).~~

~~The final Environmental Assessment and **Landscape Plan** must be approved prior to Planning Commission's review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).~~

~~A **Landscape Agreement** must be executed prior to recordation.~~

~~Deed restrictions for the long term protection of the street trees and Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation,~~

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~~with the metes and bounds description of the FRA being shown on the Final and Record Plats.~~

No proposed lots appear to exceed §7.4.2's 3:1 length-to-width **ratio**; however, the dimensions of proposed Lots 8-11 have not been provided, as required by §4.0.13 (j).

The internal **road names** must be approved by the County 911 Emergency Center prior to Planning Commission's review of the Preliminary Plat.

~~Access to common open space between lots must be marked with concrete monuments.~~

A **Homeowners' Association** for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

~~The Master Water and Sewer Plan classifies this site as W0 and S0. The Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission's review of the Final Plat.~~

~~The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.~~

All required final approvals or permits for the community water system must be provided by the applicant prior to the Planning Commission's review of the Final Plat. Its details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

All required final approvals or permits for the shared community sewer system must be provided by the applicant prior to the Planning Commission's review of the Final Plat. Its details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

~~For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.~~

The applicant is reminded of the 4:30 p.m. submission **deadline** on the 3rd Thursday for review by the Planning Commission the following month.

School information:	<u>Elementary</u> Elk Neck	<u>Middle</u> North East	<u>High School</u> North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

CONCEPT PLAT REQUIRED INFORMATION:

- (a) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.

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- (b) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (d) Title information:
 - 1. Proposed name
 - 2. Scale of Plat
 - 3. Date
- (e) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (f) North point.
- (g) Boundary of proposed subdivision. This can be a deed plot.
- (h) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (i) Location of existing utilities on or within 200 ft of the parcel.
- (j) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (k) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (l) Zoning classification of tract.
- (m) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 1. Approximate location of buildings.
 - 2. Total number of units in each building.
 - 3. Total number of off-street parking spaces and the space to unit ratio.
- (n) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 1. Tidal and non-tidal wetlands;
 - 2. Streams (perennial and intermittent);
 - 3. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 4. Shore and stream Buffer (110-foot minimum);
 - 5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - 6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
 - 7. Computation of the amount of acres in the Critical Area District; and
 - 8. The location and extent of existing an/or [sic] proposed shore erosion abatement approaches.
- (o) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

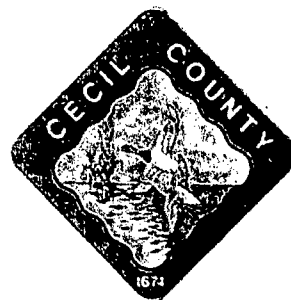
President William C. Manlove, District 1

Vice President Mark H. Gims, District 5

Commissioner Rebecca J. Demmler, District 2

Commissioner Brian Lockhart, District 3

Commissioner Wayne L. Tome, Sr., District 4



Alfred C. Wein, Jr.
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CECIL COUNTY GOVERNMENT

Department of Planning and Zoning
200 Chesapeake Boulevard, Suite 2300, Elkton, MD 21921

CECIL COUNTY PLANNING COMMISSION

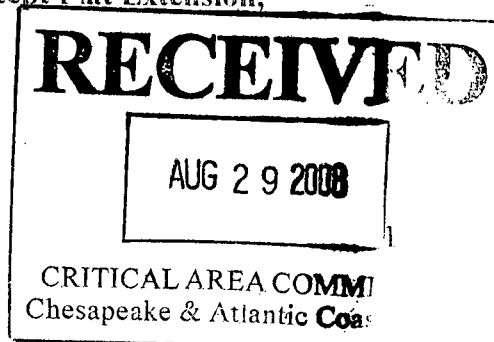
SUBDIVISION MEETING AGENDA

Monday, September 15, 2008, 10:00 a.m.

**County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland**

1. **Villages at Herron Lake, Request for clarification on the setback distance for the apartment units in Phase I, Blue Ball and Zeitler Roads, Fifth Election District.**
2. **Lands of Kenneth & Dorothy Miller, 1 Lot, MD Rte. 274, Final Plat, Will Whiteman Land Surveying, Inc., Sixth Election District.**
3. **Elk Point Marina, Lots 1-75, Oldfield Point Road, Concept Plat, CNA Engineers, Third Election District. CE0010-04**
4. **Villages of Cecil Woods, Final Plat, Section 1, Lots 138-145, 146-156, 157-176 and 229-239, US Rte. 40, Urban Research & Development Corp., Fifth Election District.**
5. **The Estates at Autumn Ridge, Section 2, Lots 1A, 6 & 7, Shady Beach Road, Final Plat, American Engineering and Surveying, Inc., Fifth Election District.**
6. **Kirks Mill Manor, Phase 1, Lots 5 & 15, MD Rte. 274, Final Plat, RJK Engineering and Associates, Ninth Election District.**
7. **Chesapeake Club, Lots 344-876, Irishtown Road, Preliminary Plat, McCrone, Inc., Fifth Election District.**
8. **Montgomery Oaks, Lots 69-126, Section 2, Bailiff Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**
9. **Sun Valley Estates, Lots 1-26, Valley Road, Concept Plat Extension, McCrone, Inc., Fourth Election District.**

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10. Worsell Manor, Lots 1-12, Section 1, Worsell Manor Road, Preliminary Plat, McCrone, Inc., First Election District.
11. Creamery Knoll, Lots 1-4, Knight Corner and Woods Roads, Concept Plat, McCrone, Inc., Second Election District.
12. Providence Reserve, Lots 1-29, MD Rte. 273, Preliminary Plat, PELSA Co., Inc., Sixth Election District.
13. Pelham Manor, Lot 77, Section Two, Phase Two, Williams Road, Final Plat, Morris & Ritchie Associates, Inc., Second Election District.
14. Chesapeake Cove, Lots 2-11, Oldfield Point Road, Final Plat, Morris & Ritchie Associates, Inc., Third Election District. CE 397-07
15. Old York Estates, Lots 10A & 10B, Shady Beach Road, Final Plat, RJ Engineering and Associates, Ninth Election District.

General Discussion

McCRONE PLAN-4/06

PERC TEST RESULTS

HOLE	DEPTH	RATE
4	9'	NO PERC
5	9'	NO PERC
6	7'	NO PERC
7	9'	NO PERC
10	6'	OBSERVATION HOLE
15	6'	NO PERC
20	4'	NO PERC
21	4'	NO PERC
22	4'	OBSERVATION HOLE
31	8'	OBSERVATION HOLE
32	8'	OBSERVATION HOLE
33	4.5'	OBSERVATION HOLE
34	8'	OBSERVATION HOLE
35	12'	NO PERC
36	12.5'	NO PERC
37	11'	NO PERC
38	11'	OBSERVATION HOLE
39	11'	NO PERC
40	11.5'	NO PERC
41	9'	NO PERC
42	10'	OBSERVATION HOLE
43	10.5'	NO PERC
44	10'	NO PERC
45	10'	NO PERC
46	13'	NO PERC
47	13'	NO PERC
48	11'	OBSERVATION HOLE
51	11'	NO PERC
52	10.5'	NO PERC
53	9.5'	NO PERC
54	11'	NO PERC
55	12.5'	OBSERVATION HOLE
56	10'	NO PERC
57	8.5'	NO PERC
58	9'	NO PERC
59	7.5'	NO PERC
60	7'	NO PERC
61	10.5'	NO PERC
62	9'	NO PERC
63	9'	NO PERC
64	11'	NO PERC
65	11'	NO PERC
66	11'	NO PERC
67	11'	NO PERC
68	11'	NO PERC
69	11'	NO PERC
70	11'	NO PERC
71	11'	NO PERC
72	11'	NO PERC
73	11'	NO PERC
74	11'	NO PERC
75	11'	NO PERC
76	11'	NO PERC
77	6.5'	NO PERC - STAY 10' ABOVE
78	5.5'	NO PERC
79	10'	NO PERC - SHOW 30' UPSLOPE
81	5.5'	NO PERC
82	9'	NO PERC
83	10.5'	NO PERC
84	4.5'	NO PERC
85	9'	NO PERC
86	9'	NO PERC
87	9'	NO PERC
88	9'	NO PERC
89	9'	NO PERC
90	11'	NO PERC
91	12'	OBSERVATION HOLE
92	11'	NO PERC
93	12'	NO PERC
94	11'	OBSERVATION HOLE
95	10'	NO PERC
96	10'	OBSERVATION HOLE
97	10'	OBSERVATION HOLE
98	7.5'	NO PERC
99	11.5'	OBSERVATION HOLE
100	11.5'	OBSERVATION HOLE
101	11.5'	OBSERVATION HOLE
102	6.5'	NO PERC
103	9.5'	OBSERVATION HOLE
104	9'	NO PERC
105	12'	NO PERC
106	10'	NO PERC
107	10'	OBSERVATION HOLE - LIMIT SEWAGE ABOVE THIS HOLE
108	4.5'	NO PERC
109	4.5'	NO PERC
110	10'	NO PERC
111	11'	NO PERC - KEEP SEWAGE ABOVE THIS HOLE 10'
112	8'	NO PERC
113	12'	NO PERC
114	8'	NO PERC
115	9.5'	OBSERVATION HOLE - KEEP SEWAGE EAST OF THIS HOLE
116	5.5'	NO PERC
117	10'	KEEP SEWAGE ABOVE THIS HOLE
118	8.5'	OBSERVATION
119	9'	NO PERC
120	10'	NO PERC
121	10'	NO PERC
122	10'	NO PERC
123	8'	OBSERVATION
124	8'	OBSERVATION
125	8'	OBSERVATION
126	8'	NO PERC - KEEP SEWAGE 10' ABOVE THIS HOLE
127	5'	6 MIN. - STAY WEST OF THIS HOLE

McCRONE PLAN-CONT

2007 PERC TEST RESULTS

HOLE	DEPTH	RATE
201	9'	4 MIN
202	8.5'	1 MIN
203	11'	2 MIN
204	10.5'	1 MIN
205	9'	3 MIN
206	10'	2 MIN
207	11'	6 MIN
208	10'	6 MIN
209	9'	NP / IM
210	10'	6 MIN
211	11'	1 MIN
212	9'	6 MIN
213	10'	5 MIN
214	11'	3 MIN
215	10'	4 MIN
216	13'	7 MIN
217	9.5'	6 MIN
218	11'	5 MIN
219	10'	4 MIN
220	11'	9 MIN
221	6.5'	1 MIN
222	10'	4 MIN
223	10.5'	2 MIN
224	11'	1 MIN
225	13.5'	6 MIN
226	9.5'	6 MIN
227	14'	NP / WATER
228	9'	6 MIN
229	11'	OBSERVATION HOLE
230	10.5'	1 MIN
231	10'	10 MIN / DEEPER
232	11'	3 MIN
233	11'	2 MIN
234	8.5'	2 MIN
235	10'	7 MIN
236	12'	2 MIN
237	10'	14 MIN
238	9'	OBSERVATION HOLE
239	16'	NP
240	9.5'	6 MIN
241	11.5'	NP / WATER
242	10'	NP / WATER
243	9'	NP / WATER
244	12'	NP / WATER
245	12'	NP / WATER
246	10'	NP / WATER
247	12'	NP / WATER
248	11'	NP / WATER
249	12'	NP / WATER
250	9'	NP / WATER
251	10'	NP / WATER
252	10'	NP / IM
253	12'	NP / IM

2008 PERC RESULTS

HOLE	DEPTH	DESCRIPTION
254	1" in 1 min at 7"	
255	1" in 24 min at 15"	
256	1" in 8 min at 6"	
257	not tested	
258	3" in 3.5 min at 5"	
259	observation hole	
260	clay & clay loam down to 9"	
261	perched water 8.5'	
262	observation hole, good	
263	in sand pit, not suitable for conventional, clay lens at 5'	
264	perched water 12', less than 4.5' of porous soils	
265	perched water 11', less than 4.5' of porous soils	
266	observation hole, questionable perched water	
267	observation hole, questionable perched water	
268	water at 11', less than 4.5' of porous soils	
269	perched water at 9'	
270	perched water at 12.5', less than 4.5' of porous soils	
271	perched water at 8'	
272	perched water at 7'	
273	perched water at 6.5'	
274	observation hole, good	
275	lightly perched water & proximity to scale	
276	perched water 15', less than 4.5' of porous soils	
277	less than 4.5' of porous soils	
278	less than 4.5' of porous soils, questionable perched water	
279	less than 4.5' of porous soils	
280	less than 4.5' of porous soils	

CNA, INC.

2010 PERC RESULTS

HOLE	Depth (ft)	Rate (minutes/inch)	Comments
500	12	9	
501	11	OH	Observation Hole (OH)
502	11	OH	
503	12	OH	
504	11.5	OH	
505	11	OH	
506	10	Water	
507	11	Water	
508	12	OH	
509	12	OH	Locate sw ale
510	13	OH	Locate sw ale, show 25' limit at hole
511	2.5	4	Locate sw ale, took to 12'
512	3	2	Took to 10'
513	14	OH	
514	10.5	14	
515	10	Water	
516	8	Water	
517	13	OH	Stay 25' from steep slope or grade out (manmade slope)
518	12.5	OH	
519	11.5	10	
520	12	4	
521	12	2	
522	11	3	

GENERAL NOTES

- THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A REVIEW OF A CURRENT ABSTRACT OF TITLE.
- THE PROPERTY LINES AS SHOWN HEREON ARE BASED ON A FIELD-RUN BOUNDARY SURVEY PERFORMED BY CNA, INC. ON APRIL 9, THROUGH APRIL 16, 2008 AND REFLECTS SITE CONDITIONS AS OF THAT DATE. COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND STATE GRID MERIDIAN NAD 83/91 NORTH PER GPS OBSERVATIONS.
- THE CRITICAL AREAS BOUNDARY AS SHOWN HEREON WAS DERIVED FROM THE CECIL COUNTY CRITICAL AREA MAP AND A PLAN BY McCRONE, INC. DATED APRIL 2006.
- FEMA 100-YEAR FLOODPLAIN WAS DERIVED FROM FEMA FIRM MAP: 240019 0033 A, DATED APRIL 4, 1983.
- THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS AS PER SECTION 3.2B OF THE FOREST CONSERVATION REGULATIONS. REFORESTATION IS BEING PROVIDED IN ACCORDANCE WITH CRITICAL AREA REGULATIONS.
- WETLANDS AS SHOWN WERE DELINEATED AND GPS LOCATED BY CNA, INC. IN JULY 2007 AND REVISED IN APRIL 2008 ACCORDING TO SITE TOPOGRAPHY.
- JOINT PERMIT APPLICATION # 2007060942 FOR REPAIR/REPLACEMENT OF THE EXISTING BULKHEAD/DOCKS HAS BEEN GRANTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE). THERE ARE NO OTHER JURISDICTIONAL IMPACTS PROPOSED.
- WATER WILL BE PROVIDED ON EACH LOT WITH AN INDIVIDUAL WELL. WELLS ARE SETBACK A MINIMUM OF 30 FEET FROM A PROPOSED RESIDENCE AND 15 FEET FROM THE PROPOSED PRIVATE ROAD RIGHT-OF-WAY.
- SEWER WILL BE PROVIDED ON EACH LOT WITH AN INDIVIDUAL SEPTIC RESERVE AREA TOTALING 10,000 SF. PERCOLATION TESTING HAS BEEN COMPLETED AND COORDINATED WITH THE CECIL COUNTY HEALTH DEPARTMENT FOR INDIVIDUAL SEPTIC RESERVE AREAS SHOWN ON THIS PLAN.
- PROPOSED DEVELOPMENT ON >25% SLOPES COVERING A CONTIGUOUS AREA OF 10,000 SQ. FT OR MORE ARE MAN-MADE SLOPES.
- AS PER CECIL COUNTY SUBDIVISION REGULATIONS SECTION 6.1.1(a), THE PROPOSED DEVELOPMENT WILL BE STAGED AS FOLLOWS: 1. INSTALLATION OF SEDIMENT CONTROL DEVICES, 2. CLEARING AND GRADING FOR ROADS, AND 3. INSTALLATION OF UTILITIES AND ROAD BASE. HOUSING CONSTRUCTION WILL OCCUR BASED ON MARKET DEMAND.
- A STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVER HAS BEEN GRANTED PURSUANT TO ARTICLE III, SECTION 251-6A(2) OF THE CECIL COUNTY SWM CODE.
- A VARIANCE FROM CECIL COUNTY POLICY HAS BEEN GRANTED TO ALLOW FOR THE CONSTRUCTION OF A PRIVATE ROAD TO SERVE THIS COMMUNITY IN LIEU OF A PUBLIC ROAD.
- AS IDENTIFIED ON THE MD DEPT OF NATURAL RESOURCES LETTER DATED SEPTEMBER 16, 2010 AND SHOWN IN THIS PLAN, HABITAT PROTECTION AREAS INCLUDE NATURAL HERITAGE AREA No. 15 WHICH IS ALSO DESIGNATED A WETLAND OF SPECIAL STATE CONCERN AND THE CRITICAL AREA BUFFER, PREVIOUS RECORDS INDICATE THE PRESENCE OF AN ACTIVE BALD EAGLE NEST IN 2008. THE CONCENTRIC PROTECTION RADI REQUIREMENTS FOR ANY ACTIVE BALD EAGLE NEST ARE AS FOLLOWS:
ZONE 1: 330' TIMBERCUTTING, LAND CLEARING & DEVELOPMENT ARE PROHIBITED
ZONE 2: 660' CLEAR-CUTTING, LAND CLEARING & DEVELOPMENT SHOULD BE AVOIDED
ZONE 3: 1320' CLEAR-CUTTING, LAND CLEARING & DEVELOPMENT SHALL BE RESTRICTED FROM DECEMBER 15 TO JUNE 15
- AS IDENTIFIED ON THE MD DEPT OF NATURAL RESOURCES LETTER DATED JULY 20, 2007 AND SHOWN IN THIS PLAN, HABITAT PROTECTION AREAS INCLUDE NATURAL HERITAGE AREA No. 15 AND A BALD EAGLE NEST AND ASSOCIATED PROTECTION RADI.
- A LANDSCAPE PLAN HAS BEEN PREPARED AND SUBMITTED IN COMPLIANCE WITH ART. II SECTION 5 AND ART. X OF THE CECIL COUNTY ZONING CODE.
- ACCESS TO THE BRYSON FAMILY CEMETERY WILL BE FROM ELK POINT DRIVE AND ACCESS EASEMENT SHOWN. THE CEMETERY WAS CONVEYED TO THEODORE OTT IN DEED LIBER J.A.D. 23 FOLIO 224 DATED SEPTEMBER 12, 1891.
- A HOMEOWNERS ASSOCIATION FOR MAINTENANCE OF COMMON OPEN SPACE MUST BE ESTABLISHED WITH \$50 PER RECORDED LOT PLACES IN ESCROW FOR IMPROVEMENTS PRIOR TO FINAL PLAT RECORDATION.
- EXISTING WELLS(S) WILL BE ABANDONED AND SEALED BY A LICENSED WELL DRILLER AND THE EXISTING SEPTIC TANK(S) WILL BE PUMPED AND FILLED WITH EARTH PRIOR TO RECORD PLAT APPROVAL.
- THE BRYSON FAMILY CEMETERY PARCEL IS EXCEPTED THEREFROM AND THEREOUT OF THE LANDS SHOWN HEREON BY VIRTUE OF A DEED RECORDED IN LIBER J.A.D. 23 FOLIO 224 FOR THE BRYSON FAMILY CEMETERY. THE CEMETERY PARCEL SHOWN HEREON IS DESCRIBED IN DEED LIBER 2298 FOLIO 3 PER A SURVEY BY J.R. McCRONE, JR., INC. IN DECEMBER OF 1983. THE PROPERTY IS SUBJECT TO THE RIGHT OF THE BRYSON FAMILY DESCENDANTS TO INGRESS AND EGRESS OVER THE 76.896 ACRE PARCEL OF LAND FOR THE PURPOSE OF GAINING ACCESS TO THE BRYSON FAMILY CEMETERY.
- PROPOSED FOREST CLEARING WITHIN THE RCA PORTION OF THE SITE IS 1.29 ACRES (3.38%). ON-SITE MITIGATION WILL BE PROVIDED AT A RATIO OF 1:1. PROPOSED FOREST CLEARING WITHIN THE IDA PORTION OF THE SITE IS 3.55 ACRES (24.48%) OF THE SITE.
- IN ACCORDANCE WITH COMAR 27.01.02.04C(3) & 27.01.09.01 REMAINING FOREST IN THE RCA AND THE 29.67 ACRES LYING WITHIN THE CRITICAL AREA BUFFER WILL BE PROTECTED THROUGH RECORDATION OF A DECLARATION OF RESTRICTIVE COVENANTS OR OTHER PROTECTIVE INSTRUMENT.
- THE SITE IS IN CLOSE PROXIMITY TO A LOCAL AIR PARK.
- TEMPORARY CONSTRUCTION EASEMENTS EXIST ALONG ALL PROPOSED ROADS AND DRAINAGE EASEMENTS AND WILL REVERT TO LOT OWNERS UPON COMPLETION OF CONSTRUCTION.
- THE STREETS AND (OR) ROADS SHOWN HEREON ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEING THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS, AND ASSIGNS.
- THERE SHALL BE NO DISTURBANCE TO THE PLANTED BUFFERS OR STREET TREES, EXCEPT FOR NORMAL MAINTENANCE.

SITE DATA

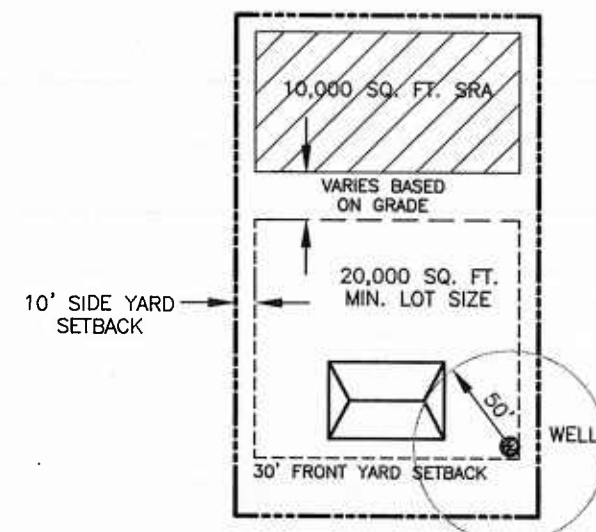
- OWNER/DEVELOPER: ELK POINT, LLC, 8629 PHILADELPHIA RD. BALTIMORE, MD 21237
- PREPARED BY: CNA, INC., 215 BRYNUM RD. FOREST HILL, MD 21050 (410) 879-7200
- AREA: TOTAL LOT AREA = 62.435 AC.±
TOTAL R/W AREA = 1.273 AC.±
TOTAL OPEN SPACE AREA = 12.618 AC.±
TOTAL CEMETERY = 0.012 AC.±
- TAX MAP 37 PARCEL 3
- DEED REFERENCE: W.L.B. 2298/3
- SETBACK REQUIREMENTS:
FRONT: 30'
SIDE: 10'
REAR: 40'
- CURRENT ZONING: CECIL COUNTY SR (SUBURBAN RESIDENTIAL): 76.34 AC.±
- CRITICAL AREAS DESIGNATION:
IDA (OUTSIDE DEVELOPMENT AREA): 28.0 AC.±
RCA (RESOURCE CONSERVATION AREA): 48.3 AC.±
TOTAL: 76.3 AC.±
- IMPERVIOUS/LOT COVERAGE: EXISTING
IDA: 3.59 AC.±/12.83%
RCA: 0.84 AC.±/1.74%
OVERALL: 4.43 AC.±/5.81%
- PROPOSED
IDA: 3.50 AC.±/12.50%
RCA: 0.81 AC.±/1.68%
OVERALL: 4.31 AC.±/5.69%
- EXISTING USE: MARINA/VACANT LAND
- PROPOSED USE: RESIDENTIAL IN SR ZONE, NOT SERVED BY COMMUNITY FACILITIES
- PROPOSED UNITS: 18 SINGLE FAMILY DETACHED HOMES WITH INDIVIDUAL SEPTIC AREAS AND WELLS.
- MIN. LOT AREA: 20,000 SQ. FT.± (0.46 AC.±)
- MIN. LOT WIDTH: 80' (25' MIN. ROAD FRONTAGE WIDTH ALLOWED ON LOCAL ROADWAY).
- MAX. BUILDING HEIGHT: 35'
- PARKING REQUIRED: 2 OFF-STREET SPACES PER UNIT
- PARKING PROVIDED: 2 OFF-STREET SPACES PER UNIT
- COMMON OPEN SPACE REQUIRED IN IDA PORTION OF PROPERTY: 15%
- COMMON OPEN SPACE PROVIDED IN IDA PORTION OF PROPERTY: 20%
- MAXIMUM RESIDENTIAL DENSITY ALLOWED WITHOUT COMMUNITY FACILITIES: 1 DWELLING UNIT PER ACRE IN IDA/SR AND 1 D.U. PER 20 ACRES IN RCA/SR.
- RESIDENTIAL DENSITY PROPOSED: 0.64 DWELLING UNITS PER ACRE IN IDA/SR (18 D.U./28 ACRES); 2 D.U. ON 48.33 ACRES OF RCA/SR ALSO PROVIDED.
- FOREST CLEARING IN THE RCA WILL BE MINIMAL AND WILL BE REPLACED AT A 1:1 RATIO ON-SITE.
- RIGHTS OF WAY SHOWN HEREON ARE TO BE PRIVATE.

STORMWATER MANAGEMENT INGRESS/EGRESS BLANKET EASEMENT

THE OWNER(S) SHALL GRANT UNTO THE BOARD OF COUNTY COMMISSIONERS OF CECIL COUNTY, AT ALL TIMES, THE RIGHT OF INGRESS AND EGRESS AT REASONABLE TIMES, AND IN A REASONABLE MANNER, FOR THE PURPOSE OF INSPECTING, OPERATING, INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING OR REPAIRING THE STORMWATER MANAGEMENT STRUCTURES AND FACILITIES.

LOT COVERAGE TABLE

TOTAL ALLOWABLE LOT COVERAGE	
RCA SITE AREA	48.331 AC.±
MAX. % LOT COVERAGE	15%
MAXIMUM ALLOWABLE LOT COVERAGE	7.25 AC.±
PROPOSED LOT COVERAGE SUMMARY	
LOT COVERAGE AFFORDED TO ACCESS DRIVE & SHARED FACILITIES	1.25 AC.±
LOT COVERAGE AFFORDED TO LOT 1	3.00 AC.±
LOT COVERAGE AFFORDED TO LOT 18	3.00 AC.±
TOTAL ALLOWABLE LOT COVERAGE	7.25 AC.±

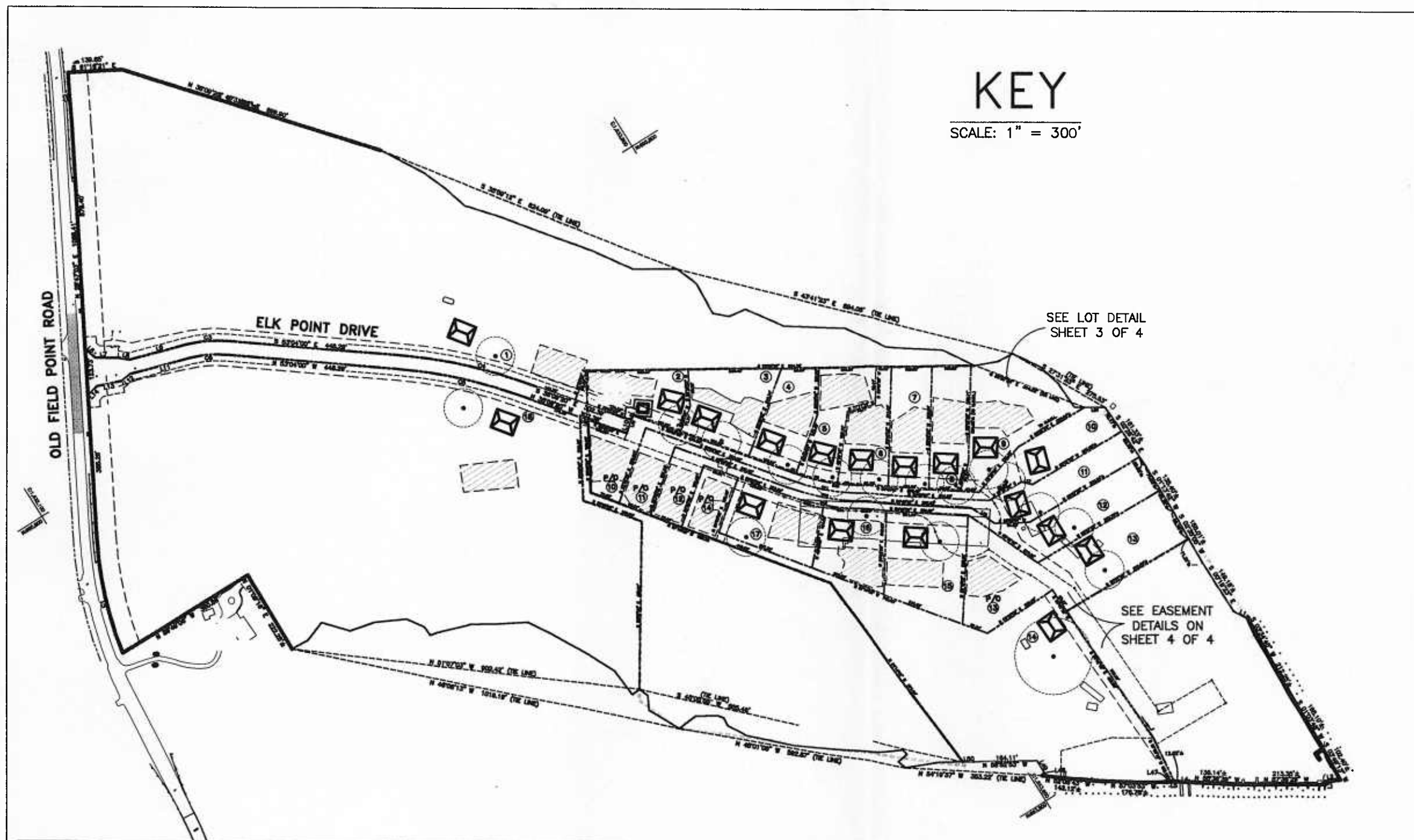


TYPICAL LOT LAYOUT IN IDA PORTION OF PROPERTY

SCALE: 1" = 100'

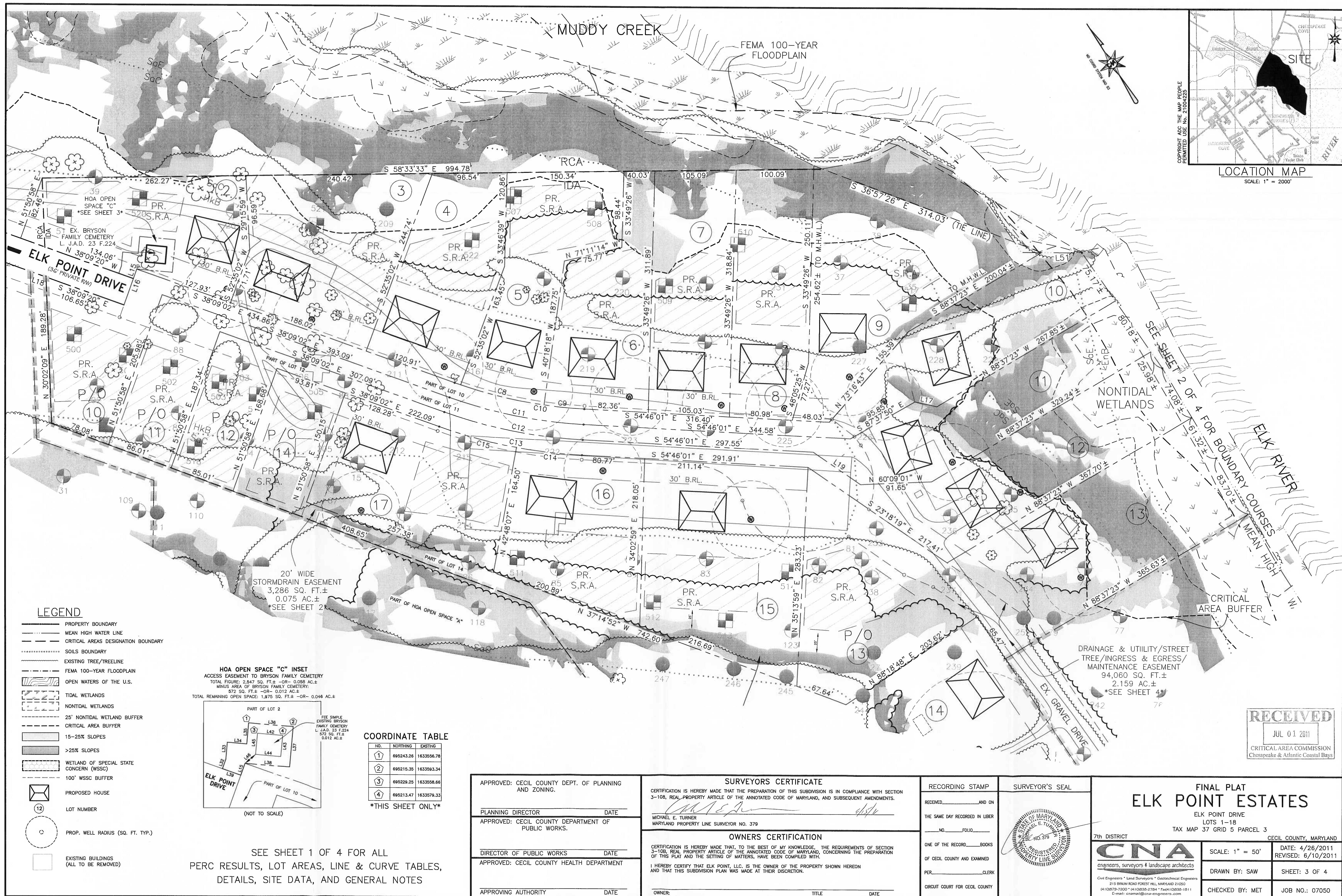
CURVE TABLE

NO.	RADIUS	LENGTH	BEARING	DISTANCE	DELTA	TANGENT
C1	966.45'	305.95'	N 19°42'55" E	304.67'	18°08'17"	154.26'
C2	3849.71'	135.32'	N 27°46'38" E	135.31'	02°00'50"	67.67'
C3	318.00'	111.24'	S 63°05'16" E	110.67'	20°02'32"	56.19'
C4	1218.00'	316.98'	S 45°36'40" E	316.09'	14°54'40"	159.39'
C5	1182.00'	307.62'	N 45°36'40" W	306.75'	14°54'40"	154.68'
C6	282.00'	98.64'	N 63°05'16" W	98.14'	20°02'32"	49.83'
C7	590.00'	8.10'	N 38°32'39" W	8.10'	00°47'13"	4.05'
C8	590.00'	110.82'	N 44°19'07" W	110.86'	10°45'44"	55.58'
C9	590.00'	52.18'	N 52°14'00" W	52.16'	05°04'02"	26.11'
C10	590.00'	171.11'	S 46°27'32" E	170.51'	16°36'59"	86.16'
C11	610.00'	176.91'	N 46°27'32" W	176.29'	16°36'59"	89.08'
C12	630.00'	182.71'	N 46°27'32" W	182.07'	16°36'59"	92.00'
C13	650.00'	188.51'	N 46°27'32" W	187.85'	16°36'59"	94.82'
C14	650.00'	84.87'	S 51°01'35" E	84.81'	07°28'52"	42.50'
C15	650.00'	103.64'	S 42°43'05" E	103.53'	09°08'07"	51.83'



DEVELOPMENT RIGHTS SUMMARY TABLE

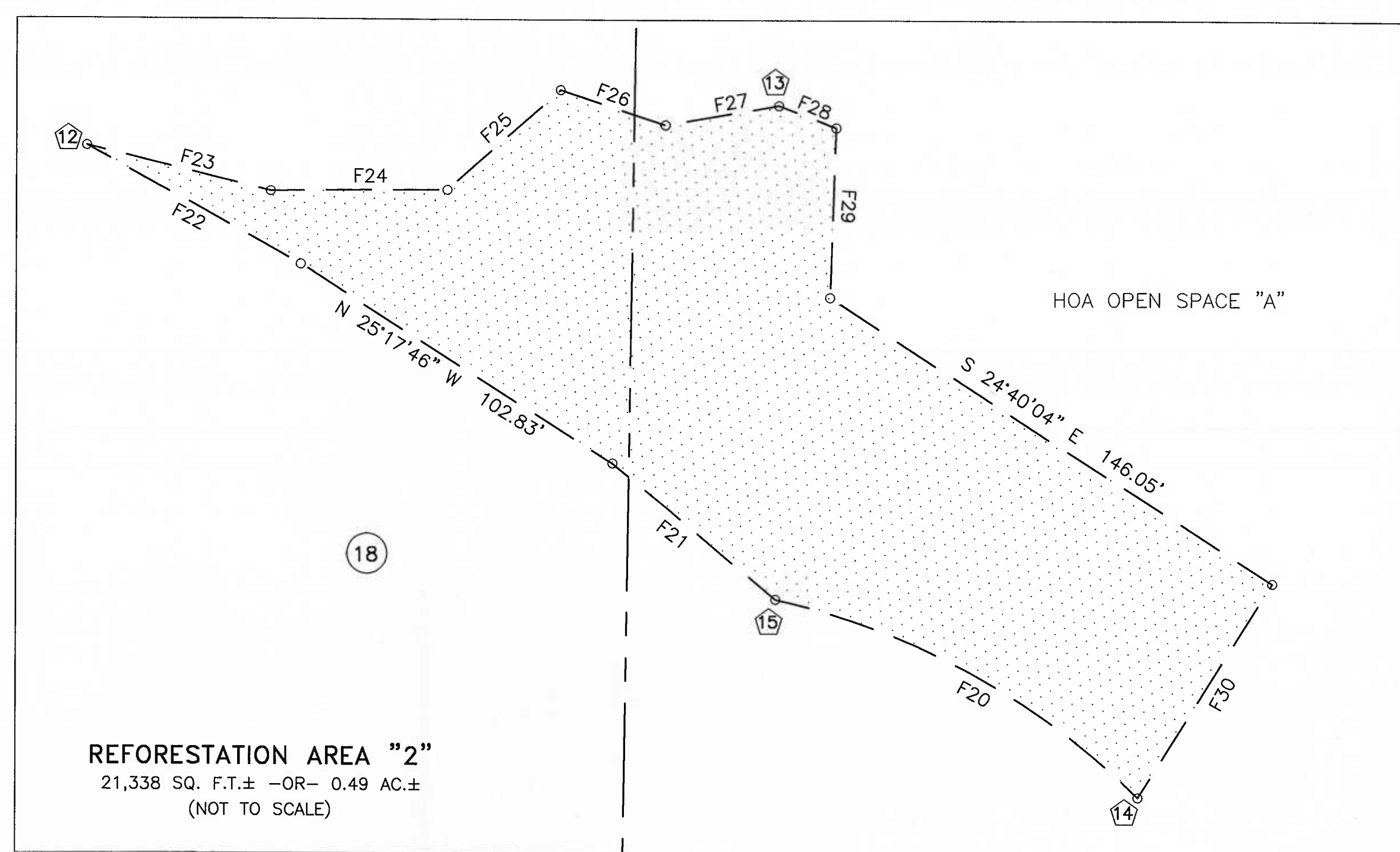
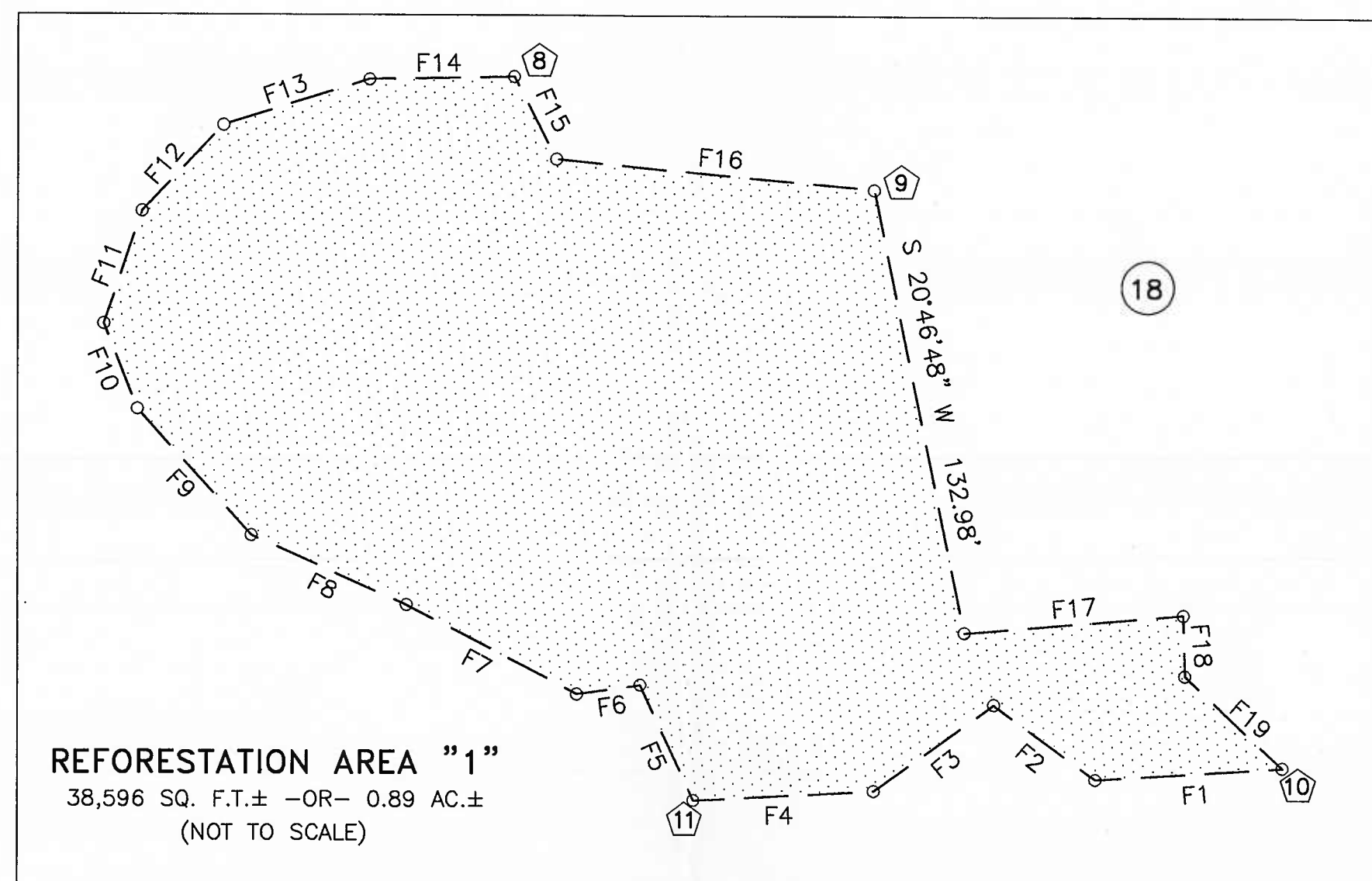
CECIL COUNTY SR ZONE/CRITICAL AREA RESOURCE CONSERVATION AREA	
SITE AREA	48.331 AC±
CECIL COUNTY ZONING DESIGNATION	SR-SUBURBAN-RESIDENTIAL
MAX. ALLOWABLE DENSITY PER SR ZONE (W/O COMMUNITY FACILITIES)	1 DU/ACRE
MAX. ALLOWABLE DEVELOPMENT RIGHTS PER SR ZONE	48 DU's
MAX. ALLOWABLE DENSITY PER CRITICAL AREA RCA	1 DU/20 ACRES
MAX. ALLOWABLE DEVELOPMENT RIGHTS PER CRITICAL AREA RCA	2 DU's
DEVELOPMENT RIGHTS LIMITATION CRITERIA	RCA-DESIGNATION
MAXIMUM UNITS ALLOWED IN SR/RCA ZONE	2 UNITS
PROPOSED DEVELOPMENT WITHIN THE SR/RCA PORTION OF THE SITE	2 UNITS
NO ADDITIONAL DEVELOPMENT RIGHTS ARE AVAILABLE WITHIN THE SR/RCA PORTION OF THE SITE	
CECIL COUNTY SR ZONE/CRITICAL AREA INTENSE DEVELOPMENT AREA	
SITE AREA	27.995 AC±
CECIL COUNTY ZONING DESIGNATION	SR-SUBURBAN-RESIDENTIAL
MAX. ALLOWABLE DENSITY PER SR ZONE (W/O COMMUNITY FACILITIES)	1 DU/ACRE
MAX. ALLOWABLE DEVELOPMENT RIGHTS PER SR ZONE	27 DU's
MAX. ALLOWABLE DENSITY PER CRITICAL AREA IDA	NOT LIMITED
MAX. ALLOWABLE DEVELOPMENT RIGHTS PER CRITICAL AREA IDA	NOT LIMITED
DEVELOPMENT RIGHTS LIMITATION CRITERIA	SR-ZONING
MAXIMUM UNITS ALLOWED IN SR/IDA ZONE	27 UNITS



EASEMENT COORDINATE TABLE

NO.	NORTHING	EASTING
1	695212.24	1633534.35
2	694870.28	1633802.97
3	694753.61	1633925.73
4	694569.27	1634186.73
5	694187.09	1634260.31
6	694429.47	1634123.91
7	695168.99	1633479.30
8	695511.48	1632974.99
9	695426.91	1633046.95
10	695219.16	1633057.36
11	695303.23	1632905.75
12	694956.70	1633216.16
13	694863.72	1633384.54
14	694648.16	1633366.03
15	694748.06	1633310.27

THIS SHEET ONLY



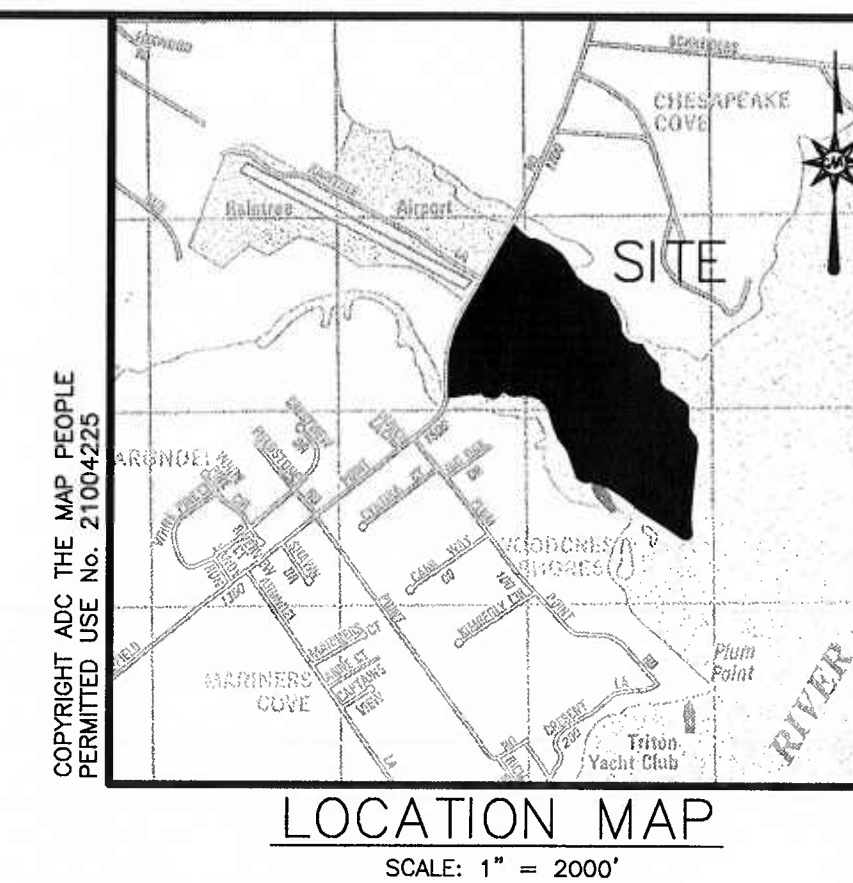
REFORESTATION LINE TABLES

NO.	BEARING	DISTANCE
F1	N 61°19'44" W	56.10'
F2	N 21°11'12" W	36.89'
F3	S 86°22'58" W	43.49'
F4	N 60°48'50" W	53.29'
F5	N 07°22'02" E	37.47'
F6	N 65°54'41" W	18.81'
F7	N 29°42'04" W	56.39'
F8	N 33°29'29" W	49.97'
F9	N 09°46'46" W	50.00'
F10	N 10°51'56" E	26.81'
F11	N 50°57'34" E	35.01'
F12	N 75°49'45" E	34.81'
F13	S 75°11'33" E	44.98'
F14	S 58°44'13" E	42.27'
F15	S 05°08'03" W	27.18'
F16	S 52°18'04" E	94.02'
F17	S 82°34'30" E	64.29'
F18	S 30°51'05" W	18.13'
F19	S 14°23'36" E	39.49'
F20	N 17°33'07" W	59.10'
F21	N 28°36'32" W	67.57'
F22	S 43°45'31" E	52.16'
F23	S 58°13'03" E	48.18'
F24	S 80°45'14" E	41.89'
F25	S 39°24'05" E	30.87'
F26	S 67°26'49" E	32.01'
F27	S 36°34'19" E	17.08'
F28	S 34°20'30" W	47.16'
F29	S 64°25'08" W	69.89'

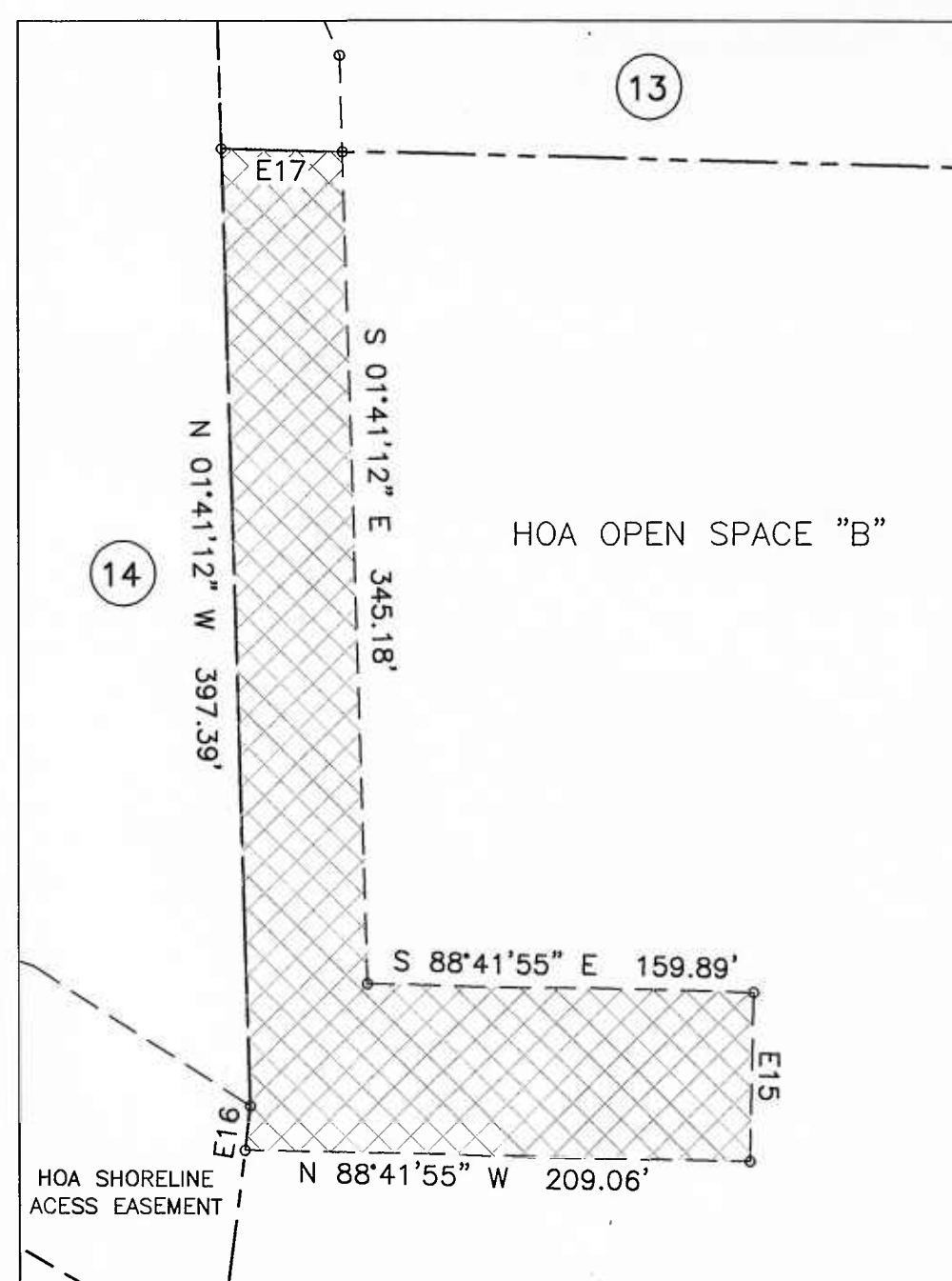
REFORESTATION CURVE TABLE

NO.	RADIUS	LENGTH	BEARING	DISTANCE	DELTA	TANGENT
F20	205.31'	115.94'	N 29°10'04" W	114.41'	322°1'19"	59.56'

THIS SHEET ONLY



ELK POINT DRIVE
36' PRIVATE R/W



STORMWATER EASEMENT
31,855 SQ. FT.± -OR- 0.731 AC.±
(NOT TO SCALE)

SEE SHEET 1 OF 4 FOR ALL
PERC RESULTS, LOT AREAS, LINE & CURVE TABLES,
DETAILS, SITE DATA, AND GENERAL NOTES

**DRAINAGE & UTILITY/INGRESS-EGRESS/
STREET TREE/MAINTENANCE EASEMENT**
94,060 SQ. F.T.± -OR- 2.159 AC.±
(NOT TO SCALE)

EASEMENT LINE TABLES

NO.	BEARING	DISTANCE
E2	S 20°14'06" E	36.56'
E3	S 03°57'39" E	14.10'
E5	S 01°41'12" E	39.69'
E6	N 88°37'23" W	50.07'
E7	N 01°41'12" W	65.47'
E8	N 23°18'19" W	68.08'
E9	N 34°36'54" W	40.79'
E10	N 23°18'19" W	86.72'
E14	N 51°50'58" E	70.01'
E15	S 01°18'05" E	70.00'
E16	N 07°05'15" E	18.02'
E17	S 88°37'23" E	50.07'

EASEMENT CURVE TABLE

NO.	RADIUS	LENGTH	BEARING	DISTANCE	DELTA	TANGENT
E1	586.00'	169.95'	S 46°27'32" E	169.35'	16°36'59"	85.57'
E4	86.00'	87.14'	S 25°03'55" W	83.46'	58°03'09"	47.72'
E11	86.00'	171.46'	N 39°07'34" W	144.44'	114°13'52"	133.01'
E12	59.00'	73.12'	N 17°30'57" W	68.53'	71°00'37"	42.09'
E13	656.00'	190.25'	N 46°27'32" W	189.58'	16°36'59"	95.60'

THIS SHEET ONLY

APPROVED: CECIL COUNTY DEPT. OF PLANNING
AND ZONING.

PLANNING DIRECTOR _____ DATE _____

APPROVED: CECIL COUNTY DEPARTMENT OF
PUBLIC WORKS.

DIRECTOR OF PUBLIC WORKS _____ DATE _____

APPROVED: CECIL COUNTY HEALTH DEPARTMENT

APPROVING AUTHORITY _____ DATE _____

SURVEYORS CERTIFICATE

CERTIFICATION IS HEREBY MADE THAT THE PREPARATION OF THIS SUBDIVISION IS IN COMPLIANCE WITH SECTION 3-108, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SUBSEQUENT AMENDMENTS.

MICHAEL E. TURNER
MARYLAND PROPERTY LINE SURVEYOR NO. 379

OWNERS CERTIFICATION

CERTIFICATION IS HEREBY MADE THAT, TO THE BEST OF MY KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-108, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, CONCERNING THE PREPARATION OF THIS PLAN AND THE SETTING OF MATTERS, HAVE BEEN COMPLIED WITH.

I HEREBY CERTIFY THAT ELK POINT, LLC, IS THE OWNER OF THE PROPERTY SHOWN HEREON
AND THAT THIS SUBDIVISION PLAN WAS MADE AT THEIR DISCRETION.

OWNER: _____ TITLE _____ DATE _____

RECORDING STAMP

RECEIVED _____ AND ON _____

THE SAME DAY RECORDED IN LIBER _____

NO. _____ FOLIO _____

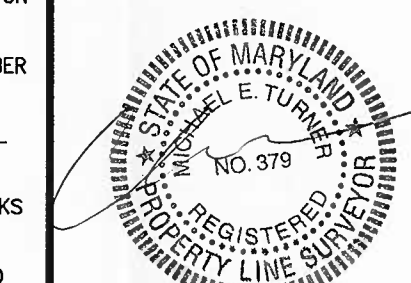
ONE OF THE RECORD _____ BOOKS _____

OF CECIL COUNTY AND EXAMINED _____

PER _____ CLERK _____

CIRCUIT COURT FOR CECIL COUNTY

SURVEYOR'S SEAL



FINAL PLAT ELK POINT ESTATES

ELK POINT DRIVE
LOTS 1-18
37 GRID 5 PARCEL 3

7th DISTRICT CRITICAL AREA COMMISSION
CECIL COUNTY, MARYLAND

NOT TO SCALE DATE: 4/26/2011
REVISED: 6/10/2011

DRAWN BY: SAW SHEET: 4 OF 4

CHECKED BY: MET JOB NO.: 07050

CNA
engineers, surveyors & landscape architects

Civil Engineers * Land Surveyors * Geotechnical Engineers
215 BRYAN ROAD FOREST HILL, MARYLAND 21050
(410) 679-7200 * (410) 655-2784 * Fax (410) 655-1811
E-mail: cna@cnasurveyors.com